FEDERAL REGISTER

VOLUME 20 NUMBER 25

Washington, Friday, February 4, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE NAVY

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (1) is added to § 6.106 as set out below.

§ 6.106 *Department of the Navy.* * * *

(f) *Naval Research Laboratory, Washington, D. C.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 10 positions at any one time. Employment under this provision shall not exceed one year in any individual case; provided, that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F R. Doc. 55-1022; Filed, Feb. 3, 1955; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GENERAL ACCOUNTING OFFICE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.118 is revoked and § 6.318 (a) is added as set out below.

§ 6.318 *General Accounting Office.* (a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F R. Doc. 55-1021; Filed, Feb. 3, 1955; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (5) of § 6.308 is revoked, and paragraphs (d) (10) and (i) (6) are amended as set out below.

§ 6.308 *Department of Justice.* * * *
(d) *Anti-Trust Division.* * * *
(10) Chief, Field Office (7 positions)
* * * * *
(i) *Office of Alien Property.* * * *
(6) Manager, Field Office (5 positions)

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-1023; Filed, Feb. 3, 1955; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Prevention of Animal Diseases; Cooperation With States

[B. A. I. Order 375, Revised, Amdt. 3]

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE) TUBERCULOSIS, OR PARATUBERCULOSIS

PAYMENT OF INDEMNITIES

Pursuant to the provisions of sections 3 and 11 of the act of May 29, 1884, as amended (21 U. S. C. 114, 114a) section 2 of the act of February 2, 1903,

(Continued on p. 757)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

as amended (21 U. S. C. 111) and section 204 (e) of the Agricultural Act of 1954 (68 Stat. 900) § 51.1 (m) of the regulations pertaining to payment of indemnities for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis (9 CFR, 1953 Supp., Part 51 (19 F R. 6566, 8624)) is hereby amended to read as follows:

§ 51.1 *Definitions.* * * *

(m) *Official vaccinate.* A bovine animal vaccinated for brucellosis when not less than 6 months of age but not more than 8 months of age, or a bovine animal of a beef breed in a range or semirange area, vaccinated for brucellosis when not less than 6 months of age but not more than 12 months of age, under the supervision of a Federal or State veterinary official with a vaccine approved by the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State and Federal Agency cooperating in the eradication of brucellosis. The term "official vaccinate" shall also include bovine animals vaccinated prior to December 13, 1954, which were less than 6 months of age but not less than 4 months of age when vaccinated.

Effective date. The foregoing amendment shall become effective upon issuance.

The purpose of this amendment is to make it possible to pay indemnities for those reactors which were officially vaccinated prior to December 13, 1954, and which were less than 6 months of age but not less than 4 months of age when vaccinated. Accordingly under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734; 21 U. S. C. 114, 111, 114a)

Done at Washington, D. C., this 1st day of February 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator
Agricultural Research Service.

[F R. Doc. 55–1059; Filed, Feb. 3, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

REVISION OF PART

Correction

In F R. Doc. 55–921, appearing in the issue for Tuesday February 1, 1955 at page 667, the following changes should be made:

1. In the table of contents, directly under the reference to 56.204, the entry should read "56.205 Dirty."

2. In § 56.2 (n) delete the word "egg" and substitute, in lieu thereof, the word "poultry"

3. In the table for § 56.4 (c) change the caption in the heading from "case in lot" to "cases in lot"

4. In the last line of § 56.27, change the word "administrative" to "administration"

5. In § 56.36, add the following sentence at the end of the section: "Any present supply of labels approved pursuant to the applicable provisions of Part 55 of this chapter prior to the effective time of this revision may continue to be used until such present supply is exhausted provided it is exhausted within two years from the effective time of this part."

6. In § 56.46 (b) add "§ 56.48 and" immediately preceding "§ 56.50"

7. In § 56.100 (c) (viii) delete the word "and" at the end.

8. In § 56.205, delete the period at the end and add the following to the sentence, "or slight to moderate stains covering more than ¼ of the shell surface."

9. In § 56.208 (b) delete the period at the end and add the following to the sentence, "or slight to moderate stains covering more than ¼ of the shell surface."

10. In § 56.212 (b) delete the repeated line and add the word "eggs," after the word "musty" followed by the words "eggs showing blood rings," and "eggs containing embryo chicks * * *"

11. In § 56.223, Table I, change the caption of the 4th column to read "Minimum Net Weight of Individual Eggs at

Rate Per Dozen" Change the word "weight" to "weigh" in the footnote, where it appears following the word "shall"

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-385D]

PART 42—IRREGULAR AIR CARRIER AND OFF ROUTE RULES

SPECIAL CIVIL AIR REGULATION · DELEGATION OF AUTHORITY TO THE ADMINISTRATOR TO PERMIT AIR CARRIERS UNDER CONTRACT TO THE MILITARY SERVICES TO DEVIATE FROM PART 42 OF THE CIVIL AIR REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of January 1955.

Special Civil Air Regulation SR-385C currently delegates to the Administrator authority to permit deviations from certain parts of the Civil Air Regulations to air carriers under contract to the military services. This regulation became effective February 1, 1954, extending until February 1, 1955, the same authority that had been previously granted to the Administrator.

The Board indicated in the preamble to SR-385C that the question as to the necessity for continuing this authority and the effectiveness of the procedures provided in this regulation would be reexamined for the purpose of considering the incorporation of the substance of the regulation in the operating parts of the Civil Air Regulations. Accordingly the Bureau issued a notice of proposed rule making which was published in the FEDERAL REGISTER (19 F R. 8783) and circulated as Civil Air Regulations Draft Release No. 54-26, which proposed to continue the basic authority of the Administrator to authorize deviations by incorporating the substance of SR-385C into Part 42 of the Civil Air Regulations. January 14, 1955, was set as the return date for comment.

Included in the comment received in response to this notice of proposed rule making were letters from the Air Line Pilots Association, the Air Transport Association, the Defense Air Transportation Administration, Capital Airlines, and the Aircoach Transport Association. However, during the course of the Board's consideration of this matter, information was received that military requirements concerning contract carriage of personnel and goods by civil aircraft are being reevaluated by the Department of Defense. Since defense requirements have a direct bearing on the question of continuing this deviation authority by incorporating the substance of SR-385C into Part 42 of the Civil Air Regulations, the Board cannot make a determination in this matter until it has received a restatement of defense requirements. Accordingly this Special Civil Air Regulation extends the expiration date of SR-385C for 90 days with respect to Part 42 operations only since to date all waivers granted have been waivers of the provisions of Part 42.

This regulation is a temporary one and is intended to allow continued operations in accordance with existing deviation authority until a final determination can be made as to the necessity of inserting similar authority in the operating parts on a permanent basis. Since notice has been given of a permanent extension of these provisions to be inserted in Part 42, the Board finds that additional notice and public procedure on this temporary extension is unnecessary. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective February 1, 1955

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may, upon application by an air carrier, authorize an air carrier under contract to the military services, or an air carrier furnishing civil aircraft or flight crews to another air carrier for use in operations conducted pursuant to a contract with the military services, or an air carrier proposing to conduct operations under conditions of an emergency necessitating the transportation of persons or supplies for the protection of life or property, to deviate from the applicable provisions of Part 42, to the extent that he finds upon investigation a deviation from those regulations is necessary for the expeditious conduct of such operations.

2. Any deviation authority granted by the Administrator pursuant to this regulation shall be limited to those operations conducted pursuant to military contracts or an emergency as determined by the Administrator and shall not be applicable to any other type of operation.

3. The Administrator shall, in any authorization granted pursuant to this regulation, specify the terms, conditions, and limitations of the authorization of deviation and each carrier shall, in the conduct of operations pursuant to military contracts or a declared emergency, comply with such terms, conditions, and limitations.

4. Grants of deviation authority hereunder for periods of 90 days or less will not be reviewed by the Board. Grants of deviation authority for a term in excess of 90 days or which in the aggregate will exceed a term of 90 days shall be subject to review by the Board, and the Administrator shall give notice of the issuance thereof to the Board as soon as it becomes apparent that the authorization is to be for more than 90 days in the aggregate. Any such long-term authorization, unless sooner revoked or rescinded by the Administrator, shall continue in effect for 90 days, and thereafter unless and until the Board or the Administrator determines that such deviation authority should not be continued. Authorizations for deviations in existence on the effective date of this regulation shall be continued in effect in accordance with their terms in the same manner and with like effect as in the case of an authorization issued hereunder.

This regulation supersedes Special Civil Air Regulation SR-385C and shall terminate May 1, 1955, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sections 601, 604; 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F R. Doc. 55-1056; Filed, Feb. 3, 1955; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 102]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.55, Moses Lake, Washington, area (R-245, formerly D-245) published on July 16, 1949, in 14 F R. 4297 and amended on March 17, 1950, in 15 F R. 1510 is rescinded.

2. In § 608.40, Oswego, New York, area (R-70 formerly D-70) published on March 17, 1950 in 15 F R. 1510 and amended on September 26, 1950, in 15 F R. 6472 is further amended by changing the "Using Agency" column to read. "First Air Force, Mitchell AFB, New York."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 4, 1955.

[SEAL] F B. LEE, *Administrator of Civil Aeronautics.*

[F R. Doc. 55-1068; Filed, Feb. 3, 1955; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6187]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PLASTIQ FINISHES CO. ET AL.

Subpart—*Advertising falsely or misleadingly* · § 3.15 *Business status, advantages, or connections:* Reputation, success, or standing; § 3.20 *Comparative data or merits;* § 3.30 *Composition of goods;* § 3.110 *Indorsements, approval and testimonials;* § 3.130 *Manufacture or preparation,* § 3.135 *Nature.* Product or service; § 3.155 *Prices.* comparative; retail or selling as wholesale, jobbing, factory distributors' etc., or discounted; § 3.175 *Quality of product or service,* § 3.265 *Tests and investigations;* § 3.280 *Unique nature or advantages.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly* · § 3.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* In connection with the offering for sale, sale, or distribution in commerce, of respondents' paint products designated "Mary Carter" or any other paint product of substantially similar composition,

whether sold under said name or any other name, representing, directly or by implication: (1) That respondents' paint products are made by an exclusive or new process or are made in a different manner from that used by other manufacturers of paint products; (2) that respondents' paint products are equal to the highest quality paints on the market unless such be a fact; (3) that savings of $6.00 to $8.00 are afforded to purchasers of two gallons of respondents' paints in comparison with the prices charged by others selling paints of comparable quality or otherwise misrepresenting the amount of savings afforded to purchasers of their paint products; (4) that respondents' products are linseed oil paints unless and until such is a fact; (5) that respondents have a million customers or any other number of customers in excess of the actual number; (6) that the prices at which respondents sell their paint products at retail are factory prices; and (7) that respondents' paint products have been tested and approved by an independent research laboratory unless and until such is a fact; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Plastiq Finishes Co. (Matawan, N. J.) et al., Docket 6187, Jan. 21, 1955]

In the Matter of Plastiq Finishes Co., a Corporation, Robert Erdmann (Referred to in the Complaint as Robert Erdman) Individually and as an Officer of Said Corporation, and Robert Van Worp, Individually and as an Officer of Said Corporation and Trading as Linseed White Co. and Mary Carter Paint Organization

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, which charged respondents with false and misleading advertising in connection with the offer and sale of their "Mary Carter" paints, in violation of the provisions of the Federal Trade Commission Act, and upon a stipulation entered into by respondents and counsel supporting the complaint which provided, among other things, that respondents admitted all the jurisdictional allegations in the complaint and that the answer theretofore filed by respondents was withdrawn together with their motion to dispose of the proceeding by means of a stipulation and agreement to cease and desist.

Said stipulation further provided that the complaint and the stipulation should constitute the entire record in the proceeding; that the inclusion of findings of fact and conclusions of law in the decision disposing of the matter was waived, together with any further procedural steps before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission, and that the order to be set forth might be entered in disposition of the proceedings.

It was further provided that said order should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, respondents specifically waiving any and all right, power, and privilege to challenge or contest the validity of such order; that the complaint might be used in construing the terms of the order; that the order might be altered, modified, or set aside in the manner provided by statute for other orders of the Commission, and that respondent Erdmann severed his official connection with corporate respondent, Plastiq Finishes Co., on October 7, 1954, selling and conveying his entire stock therein to respondent Van Worp.

Thereafter, said hearing examiner made his initial decision in which he set forth the aforesaid matter, found that the proceeding was in the public interest, accepted said stipulation and made same a part of the record, and issued order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision,[1] including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on January 21, 1955.

Said order is as follows:

It is ordered, That the respondents, Plastiq Finishes Co., a corporation, and its officers, and Robert Erdmann, individually and Robert Van Worp, individually and as an officer of said corporation and also trading as Linseed White Co. and Mary Carter Paint Organization, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their paint products designated "Mary Carter" or any other paint product of substantially similar composition, whether sold under said name or any other name, do forthwith cease and desist from representing, directly or by implication.

1. That their paint products are made by an exclusive or new process or are made in a different manner from that used by other manufacturers of paint products.

2. That their paint products are equal to the highest quality paints on the market unless such be a fact.

3. That savings of $6.00 to $8.00 are afforded to purchasers of two gallons of respondents paints in comparison with the prices charged by others selling paints of comparable quality or otherwise misrepresenting the amount of savings afforded to purchasers of their paint products.

4. That their products are linseed oil paints unless and until such is a fact.

5. That they have a million customers or any other number of customers in excess of the actual number.

6. That the prices at which they sell their paint products at retail are factory prices.

7. That their paint products have been tested and approved by an independent research laboratory, unless and until such is a fact.

By "Decision of the Commission and Order to File Report of Compliance" Docket 6187, January 21, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 21, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F R. Doc. 55-1033; Filed, Feb. 3, 1955; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

GENERAL REGULATIONS FOR SETTING TOLERANCES AND GRANTING EXEMPTIONS FROM TOLERANCES

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 68 Stat. 511, 52 Stat. 1055; 21 U. S. C. 348, 371) and after having considered all written comments on the proposed regulations published in the FEDERAL REGISTER on October 20, 1954 (19 F R. 6733) the following regulations are promulgated:

Section 120.1 is revoked and a new Part 120 is added, reading as follows:

DEFINITIONS, INTERPRETATIONS, AND EXEMPTIONS

PROCEDURE FOR FILING PETITIONS

ADVISORY COMMITTEES

PROCEDURE FOR FILING OBJECTIONS AND HOLDING A PUBLIC HEARING

ADOPTION OF TOLERANCE ON INITIATIVE OF SECRETARY OR ON REQUEST OF INTERESTED PERSONS; JUDICIAL REVIEW; TEMPORARY TOLERANCES; AMENDMENT AND REPEAL OF TOLERANCES; FEES

AUTHORITY: §§ 120.1 to 120.33 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. Sup. 348.

DEFINITIONS, INTERPRETATIONS, AND EXEMPTIONS

§ 120.1 *Definitions and interpretations.* (a) Secretary, without qualification, means the Secretary of Health, Education, and Welfare.

(b) Department, without qualification, means the Department of Health, Education, and Welfare.

(c) Commissioner means the Commissioner of Food and Drugs.

(d) Pesticide Branch means the unit established within the Food and Drug Administration charged with administration of the Pesticide Residue amendment to the Federal Food, Drug, and Cosmetic Act (section 408)

(e) Raw agricultural commodities include, among other things, fresh fruits, whether or not they have been washed and colored or otherwise treated in their unpeeled natural form; vegetables in their raw or natural state, whether or not they have been stripped of their outer leaves, waxed, prepared into fresh green salads, etc., grains, nuts, eggs, raw milk, meats, and similar agricultural produce. It does not include foods that have been processed, fabricated, or manufactured by cooking, freezing, dehydrating, or milling.

(f) Where raw agricultural commodities bearing residues that have been exempted from the requirement of a tolerance, or which are within a tolerance permitted under section 408 are used, the processed foods will not be considered unsafe within the meaning of section 406 if:

(1) The poisonous or deleterious pesticide residues have been removed to the extent possible in good manufacturing practice; and

(2) The concentration of the pesticide in the preserved or processed food when ready to eat is not greater than the tolerance permitted on the raw agricultural commodity

§ 120.2 *Pesticide chemicals considered unsafe.* (a) In general, pesticide chemicals are not generally recognized as safe for use, for the purpose of section 408 (a) except sulfur, lime, and lime-sulfur.

(b) Upon written request, the Pesticide Branch will advise interested persons whether a pesticide chemical should be considered as poisonous or deleterious, or one not generally recognized by qualified experts as safe.

(c) The training and experience necessary to qualify experts to evaluate the safety of pesticide chemicals for the purposes of section 408 (a) are essentially the same as training and experience necessary to qualify experts to serve on advisory committees prescribed by section 408 (g) (See § 120.11.)

§ 120.3 *Tolerances for related pesticide chemicals.* (a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary as having an additive deleterious action. (For example, pesticide chemicals within each of the following groups have related pharmacological effects: Many chlorinated hydrocarbons, arsenic-containing chemicals, metallic dithiocarbamates, many organic phosphates.)

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component (such as As_2O_3) that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related pesticide chemicals (such as chlorinated hydrocarbons) that may be present.

§ 120.4 *Certification of usefulness and residue estimate.* The time period for the Department's consideration of a petition will not begin to run until the Secretary of Agriculture certifies that the pesticide chemical involved is useful and gives an opinion whether the tolerance proposed by the petitioner reasonably reflects the amount of residue likely to result when the pesticide chemical is used in the manner proposed. The tolerance thereafter established ordinarily will not exceed that figure which the Secretary of Agriculture states, in his opinion, reasonably reflects the amounts of residue likely to result.

§ 120.5 *Zero tolerances.* A zero tolerance means that no amount of the pesticide chemical may remain on the raw agricultural commodity when it is offered for shipment. A zero tolerance for a pesticide chemical in or on a raw agricultural commodity may be established because, among other reasons:

(a) A safe level of the pesticide chemical in the diet of two different species of warm-blooded animals has not been reliably determined.

(b) The chemical is carcinogenic to or has other alarming physiological effects upon one or more of the species of the test animals used, when fed in the diet of such animals.

(c) The pesticide chemical is toxic, but is normally used at times when, or in such manner that, fruit, vegetables, or other raw agricultural commodities will not bear or contain it.

(d) All residue of the pesticide chemical is normally removed through good agricultural practice such as washing or brushing or through weathering or other changes in the chemical itself, prior to introduction of the raw agricultural commodity into interstate commerce.

§ 120.6 *Exemptions from the requirement of a tolerance.* (a) An exemption from a tolerance shall be granted when it appears that the total quantity of the pesticide chemical in or on all raw agricultural commodities for which it is useful under conditions of use currently prevailing or proposed will involve no hazard to the public health.

(b) When applied to growing crops, in accordance with good agricultural practice, the following pesticide chemicals are exempt from the requirement of a tolerance:

(1) The following copper compounds: Bordeaux mixture, copper acetate, basic copper carbonate (malachite) copper-lime mixtures, copper oxychloride, copper silicate, copper sulfate basic, copper-zinc chromate, cuprous oxide.

(2) *N*-Octylbicyclo-(2,2,1)-5-heptene-2,3-dicarboximide)

(3) Petroleum oils.

(4) Piperonyl butoxide.

(5) Piperonyl cyclonene.

(6) *N*-Propyl isome.

(7) Pyrethrum and pyrethrins.

(8) Rotenone or derris or cube roots.

(9) Ryania.

(10) Sabadilla.

These pesticides are not exempted from the requirement of a tolerance when applied to a crop at the time of or after harvest.

PROCEDURE FOR FILING PETITIONS

§ 120.7 *Petitions proposing tolerances or exemptions for pesticide residues in or on raw agricultural commodities.* (a) Petitions to be filed with the Department under the provisions of section 408 (d) shall be submitted in duplicate to the Pesticide Branch. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petition shall be accompanied by an advance deposit for fees described in § 120.33. The petition shall state petitioner's mail address to which notice of objection under section 408 (d) (5) may be sent.

(b) Petitions shall include the following data and be submitted in the following form.

(Date)

Pesticide Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D. C.

Dear Sirs:

The undersigned, ----------, submits this petition pursuant to section 408

(d) (1) of the Federal Food, Drug, and Cosmetic Act with respect to the pesticide chemical _____.

Attached hereto, in duplicate and constituting a part of this petition, are the following:

A. The name, chemical identity, and composition of the pesticide chemical. (If the pesticide chemical is an ingredient of an economic poison, the complete quantitative formula of the resulting economic poison should be submitted. The submission of this information does not restrict the application of any tolerance or exemption granted to the specific formula(s) submitted.)

B. The amount, frequency, and time of application of the pesticide chemical.

C. Full reports of investigations made with respect to the safety of the pesticide chemical. (These reports should include, where necessary, detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth.)

D. The results of tests on the amount of residue remaining, including a description of the analytical method used. (Sufficient information should be submitted about the analytical method to permit competent investigators to apply it successfully.)

E. Practicable methods for removing residue that exceeds any proposed tolerance.

F Proposed tolerances for the pesticide chemical if tolerances are proposed.

G. Reasonable grounds in support of the petition.

Enclosed is (money order, bank draft, or certified check) for $_____, payable to the Food and Drug Administration to cover clerical operations, initial administrative review, and the cost incurred in considering the petition after it has been filed.

Very truly yours,

_____
(Petitioner)

Per _____

_____
(Indicate authority)

Mail address _____

This petition must be signed by the petitioner or by his attorney or agent, or (if a corporation) by an authorized official.

The data specified under the several lettered headings should be on separate sheets or sets of sheets, suitably identified. If such data have already been submitted with an earlier application, the present petition may incorporate it by reference to the earlier one.

The petitioner will be notified of the date on which his petition is filed.

ALL PETITIONS SHOULD BE SUBMITTED IN DUPLICATE. A SINGLE COPY WILL NOT BE ACCEPTED FOR FILING

(c) Except as noted in paragraph (d) of this section, a petition shall not be accepted for filing if any of the data prescribed by section 408 (d) are lacking or are not set forth so as to be readily understood. Data in a petition entitled to protection as a trade secret will be held confidential and not revealed unless it is necessary to do so in administrative or judicial proceedings under section 408.

(d) The Pesticide Branch shall notify the petitioner within 15 days after its receipt of acceptance or nonacceptance of a petition, and if not accepted the reasons therefor. Copy of the notice shall be sent to the Plant Pest Control Branch, Agricultural Research Service, Department of Agriculture. If accepted, the date of notification becomes the date of filing for the purposes of section 408 (d) (1) If petitioner desires, he may supplement a deficient petition after notification as to deficiencies. Each supplement shall be accompanied by a deposit of fees as specified in § 120.33 (e) If the supplementary material or explanation of petition is deemed acceptable, petitioner shall be notified, and date of such notification becomes the date of filing. If the petitioner does not wish to supplement or explain the petition and requests in writing that it be filed as submitted, the petition shall be filed and the petitioner so notified. The date of such notification becomes the date of filing. The Commissioner shall publish in the FEDERAL REGISTER within 30 days a notice of filing, name of petitioner, and a brief outline of the petition, including description of analytical method or reference to a publication in which it appears, if such publication is generally available.

(e) The Pesticide Branch may request a sample of the pesticide chemical at any time while a petition is under consideration. The Pesticide Branch shall specify in its request for a sample of the pesticide chemical, a quantity which it deems adequate to permit tests of analytical methods used to determine residues of the pesticide chemical and of methods proposed by the petitioner for removing any residues of the chemical that exceed the tolerance proposed. The date used for computing the 90-day limit for the purposes of section 408 (d) (2) shall be moved forward 1 day for each day in excess of 15 from the mailing date of the request taken by the petitioner to submit the sample. If the sample is not submitted within 180 days after mailing date of the request, the petition will be considered withdrawn without prejudice.

(f) The date of receipt from the Secretary of Agriculture of certification as to usefulness shall be the date used for computing the 90-day limit for the purposes of section 408 (d) (2)

(g) Unless the petition is referred to an advisory committee, the Commissioner shall publish in the FEDERAL REGISTER within 90 days after receipt of the certification of usefulness, a regulation establishing a tolerance for residues of of the pesticide chemical or exempting such residues from the necessity of a tolerance, as provided in section 408 (d) (2) of the act.

§ 120.8 *Withdrawal of petitions without prejudice.* In some cases the Pesticide Branch or an advisory committee to which the petition has been referred will notify the petitioner that the petition, while technically complete, is inadequate to justify the establishment of a tolerance or the tolerance requested by petitioner. This may be due to the fact that the data are not sufficiently clear or complete. In such cases, the petitioner may withdraw the petition pending its clarification or the obtaining of additional data. This withdrawal may be without prejudice to a future filing. Upon refiling, the time limitation will begin to run anew from the date of refiling or the date of receipt of certification from the Secretary of Agriculture, whichever is later. A deposit for fees as specified in § 120.33 (f) shall accompany the resubmission of the petition.

§ 120.9 *Substantive amendments to petitions.* After a petition has been filed or referred to an advisory committee, the petitioner may submit additional information or data in support thereof, but in such cases the petition will be given a new filing date or a new initial date of consideration by the advisory committee, and the time limitation will begin to run anew. The additional data shall be accompanied by a deposit of fees as specified in § 120.33 (g)

ADVISORY COMMITTEES

§ 120.10 *Referral of petition to advisory committee.* (a) If within the prescribed period a person filing a petition requests that the petition be referred to an advisory committee, he shall make such request in writing to the Commissioner and forward with such request an advance deposit for fees prescribed by § 120.33 (i) (3)

(b) If further advance deposits are not made upon request of the Commissioner, as provided for in § 120.33 (i) (3) the request for referral of the petition to an advisory committee shall be considered withdrawn, and a tolerance shall be established within 90 days of the date on which the Commissioner requested the further advance deposit.

(c) In case the Commissioner on his own initiative deems it necessary to refer a petition to an advisory committee, he shall, in writing, so inform the person filing the petition.

§ 120.11 *Appointment of advisory committee.* (a) Whenever the referral of a petition or proposal to an advisory committee is requested or the Commissioner otherwise deems such referral necessary the Commissioner will request the National Academy of Sciences to select qualified experts, including at least one representative from land-grant colleges, willing to serve on the advisory committee. All such experts shall have had sufficient training and experience in biology medicine, physiology toxicology pharmacology veterinary medicine, or other appropriate science to evaluate the safety of pesticide chemicals. The Commissioner will request the National Academy of Sciences, when it furnishes the names of such experts, to supply a biographical sketch showing the background of their experience and their connection, if any, with academic and commercial institutions.

(b) Each advisory committee shall consist of not less than three experts, at least one of whom is a representative from a land-grant college. The Commissioner may specify a larger number to serve. He shall appoint one member of the committee as chairman, and the chairman shall be the spokesman of the committee for receiving and forwarding reports, and other functions of the committee.

(c) The Commissioner shall appoint the experts so selected and fix their compensation at not to exceed $50.00 per day for each day or part thereof spent in committee meetings and in traveling to and from committee meetings held outside the city of their residence, plus necessary traveling and subsistence expenses while the experts are serving away from their places of residence. Subsistence expenses shall not exceed $25.00 per day.

§ 120.12 *Procedure for advisory committee.* (a) The Commissioner shall submit to the chairman of the committee the petition for tolerances, together with certification by the Secretary of Agriculture and such other relevant, reliable information as may be available. When the Commissioner submits a proposal to an advisory committee, he shall inform the petitioner and furnish him with copies of material other than the petition and certification that is furnished the committee. The chairman of the committee shall acknowledge receipt of the information and readiness of the committee to act. The date of receipt of such information shall be considered the beginning of the period allowed for consideration by the committee. Copy of this acknowledgment shall be forwarded to the petitioner by the chairman of the committee.

(b) A secretariat to advisory committees will be established by the Commissioner. The secretariat shall furnish members of the committee with copies of the proposal or petition, certification from the Secretary of Agriculture, and any data received by the chairman. If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so advise the Commissioner. Such meetings shall be held in Washington, D. C., or such other place as the Commissioner may designate. The Commissioner shall furnish a suitable meeting place for the committee. If a meeting is held, the secretariat shall keep the minutes and provide clerical assistance.

(c) As soon as practicable, but not later than 60 days after receipt of proposal or petition (unless the time has been extended as provided in paragraph (d) of this section) the chairman shall certify to the Commissioner the report of the committee, including any minority report, and shall return the petition for tolerances and the certification by the Secretary of Agriculture. The report will include copies of all relevant material considered by the committee, except that in the case of scientific literature readily available in scientific libraries proper reference may be made to it instead of furnishing actual copies. The report of the advisory committee shall be available for inspection by any interested person after a tolerance or exemption resulting from the petition is published.

(d) If at any time within 60 days, the chairman believes that the advisory committee needs more time, he shall so inform the Commissioner in writing, in which case he shall make the certification contemplated by section 408 (d) (3) of the act within the additional 30 days.

(e) The date of receipt of the committee report will be the date for computing time for the Commissioner to act for the purposes of both sections 408 (d) (3) and (e)

(f) The chairman of the committee, after consultation with the committee members, will inform the National Academy of Sciences of the committee's opinion as to the member who may best represent the committee at a hearing, if one occurs.

(g) More than one petition or proposal may be handled by a committee concurrently.

(h) Persons authorized under section 408 (h) to discuss proposals or petitions with the committee shall notify the chairman and if practicable make appointments through him. The report of the committee shall show the names of persons other than committee members discussing proposals or petitions with the committee. Except for discussions with authorized persons the committee shall not disclose data originating with a petitioner prior to publication of a regulation.

PROCEDURE FOR FILING OBJECTIONS AND HOLDING A PUBLIC HEARING

§ 120.13 *Objections to regulations and requests for hearings.* (a) Objections under section 408 (d) (5) shall be submitted in quintuplicate to the hearing clerk of the Department and shall be accompanied by a filing fee as specified in § 120.33 (h) Each objection to a provision of the regulation shall be separately numbered.

(b) A statement of objections shall not be accepted for filing if:

(1) It fails to establish that the objector is adversely affected by the regulation, or

(2) It does not specify with particularity the provisions of the regulation to which objection is taken, or

(3) It does not state reasonable grounds for each objection raised. Grounds which it is reasonable to conclude are capable of being established by reliable evidence at the hearing and which if proved would call for changing the provisions specified in the objections will be deemed reasonable grounds.

(c) If the statement of objections may not be filed, the Commissioner shall inform the objector of the reasons.

(d) If objections to a regulation issued pursuant to a petition are filed by a person other than the petitioner, the Food and Drug Administration shall send a copy of the objections by registered mail, return receipt requested, to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt of the objections to make written reply.

§ 120.14 *Public hearing; notice.* (a) If the objections and statements filed by any person, when they are considered with the record in the proceeding (including any reply to the objections that the petitioner may have filed) show that the person filing the objections is adversely affected and that the grounds stated in support of the objections are reasonable, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the objections and announcing a public hearing to receive evidence on them. The notice shall designate the place where the hearing will be held, specify the time within which appearances must be filed, and specify the time (not earlier than 30 days after the date of the notice) when the hearing will start. The hearing shall convene at the place and time announced in the notice but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing.

§ 120.15 *Presiding officer* The hearing shall be conducted by a presiding officer, who shall be a hearing examiner appointed as provided in the Administrative Procedure Act and designated by the Commissioner for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings shall be conducted in an informal but orderly manner in accordance with these regulations and the requirements of the Administrative Procedure Act. The presiding officer shall have the power to administer oaths and affirmations; to request the member of an advisory committee designated as provided by section 408 (d) 9 (5) to testify with respect to the report and recommendations of the committee; to rule upon offers of proof and admissibility of evidence; to receive relevant evidence; to examine witnesses; to regulate the course of the hearing; to hold conferences for the simplification of the issues, and to dispose of procedural requests; but he shall not have power to decide any motion that involves final determination of the merits of the proceeding.

§ 120.16 *Parties; burden of proof; appearances.* At the hearing, the person whose objections raised the issues to be determined shall be, within the meaning of section 7 (c) of the Administrative Procedure Act, the proponent of the order sought, and accordingly shall have the burden of proof. Any interested person shall be given an opportunity to appear at the hearing, either in person or by his authorized representative, and to be heard with respect to matters relevant to the issues raised by the objections. Any interested person who desires to be heard at the hearing in person or through a representative shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance setting forth his name, address, and employment. If such person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. Any person or representative shall state with particularity in the appearance his interest in the proceedings and shall set forth the specific provisions of the regulations concerning which objections have been made on which such person desires to be heard. The appearance shall also set forth with particularity the position to be taken concerning the objections on which he wishes to be heard. No person shall be heard if he failed to file his appearance within the time prescribed in the absence of a clear showing of good cause why the appearance was not filed. All present at the hearing shall conform to all reasonable standards of orderly and ethical conduct.

§ 120.17 *Prehearing and other conferences.* (a) The presiding officer, on

his own motion, or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(1) The simplification of the issues.

(2) The possibility of obtaining stipulations, admissions of facts and documents.

(3) The limitation of the number of expert witnesses.

(4) The scheduling of witnesses to be called.

(5) The advance submission of all documentary evidence.

(6) Such other matters as may aid in the disposition of the proceeding.

The presiding officer shall make an order which recites the action taken at the conference, the agreements made by the parties or their representatives, and the schedule of witnesses, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The presiding officer may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening of the hearing.

§ 120.18 *Submission of documentary evidence in advance.* (a) All documentary evidence to be offered at the hearing shall be submitted to the presiding officer and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The presiding officer, after consultation with the parties at a conference called in accordance with § 120.17, shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within the time specified by the presiding officer in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 120.19 *Excerpts from documentary evidence.* When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 120.20 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The presiding officer shall admit only evidence which is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) The presiding officer shall file as exhibits the FEDERAL REGISTER promulgating the regulation to which objections were taken and any report, recommendations, underlying data, and reasons that were certified to the Secretary by an advisory committee pursuant to section 408 (d) (3) The report, recommendations, underlying data, and reasons shall be subject to section 7 (c) of the Administrative Procedure Act. All documents constituting the record accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the hearing clerk of the Department.

(f) The member of an advisory committee, if any designated to testify or any member requested to testify by the petitioner, the Department, or the presiding officer, or who upon his own initiative requests to be heard, shall appear and testify with respect to the report, recommendations, underlying data, and reasons of the committee. The designated member shall receive per diem and travel and subsistence expenses when incurred, as though he were attending a meeting of the advisory committee.

(g) If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 120.21 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy and materiality, shall be received in evidence subject to the Administrative Procedure Act (sec. 7 (c) 60 Stat. 238; 5 U. S. C. 1006 (c)) Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute or to a report or document, the presiding officer shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 120.22 *Oral and written arguments.* (a) Unless the presiding officer issues an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The presiding officer shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or properly identified exhibits where such evidence occurs.

§ 120.23 *Indexing of record.* (a) Whenever it appears to the presiding officer that the record of hearing will be of such length that an index to the record will permit a more orderly presentation of the evidence and reduce delay the presiding officer shall require counsel for the parties to prepare a daily topical index which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(b) The index should include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index should also contain the name of each witness, followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 120.24 *Certification of record.* At the close of the hearing, the presiding officer shall afford interested persons a short time (not longer than 1 week, except in unusual cases) in which to point out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony and he shall certify the transcript of testimony and the exhibits to the Comsioner.

§ 120.25 *Filing the record of the hearing.* As soon as practicable after

the close of the hearing, the complete record of the hearing shall be filed in the office of the Hearing Clerk. The record shall include the transcript of the testimony, and exhibits, and any written arguments that may have been filed.

§ 120.26 *Copies of the record of the hearing.* The Department will make provisions for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon payment of the costs thereof.

§ 120.27 *Proposed order* As soon as practicable after the time for filing written arguments has ended the Commissioner shall prepare and cause to be published in the FEDERAL REGISTER a proposed order which shall incorporate findings of fact, recommend decisions on the objections which were the subject of the hearing and tentative regulations. The proposed order shall specify a reasonable time, ordinarily not to exceed 30 days, within which any interested person may file exceptions. The exceptions shall point out with particularity the alleged errors in said proposed order and shall contain a specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied by a memorandum brief.

§ 120.28 *Final order* As soon as practicable after the time for filing exceptions has passed, the record and the exceptions shall be presented to the Secretary and he shall cause to be published in the FEDEARL REGISTER his final order promulgating the regulation.

§ 120.29 *Adoption of tolerance on initiative of Secretary or on request of an interested person.* (a) Upon the request of an interested person (other than a person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135)) furnishing reasonable grounds therefor, and upon advance deposit to cover fees as prescribed in § 120.33, the Commissioner may propose the issuance of a regulation establishing a tolerance for a pesticide chemical or exempting it from the necessity of a tolerance. Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such a tolerance or exemption from tolerance; information, if available, as to why registrant of the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act has not petitioned for a tolerance or exemption from a tolerance and adequate data on subjects outlined in clauses (A) (B) (C) (D) (E) and (F) of section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act. If the Commissioner concludes upon studying the request that it does not warrant a proposal for the issuance of a regulation, he shall so inform the person making the request and state the reasons for his decision.

(b) The notice of the proposal shall show whether it is made on the initiative of the Commissioner or at the request of an interested person, naming such person.

(c) If within 30 days after publication of the proposal a person who has registered, or who has submitted an application for registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical named in the proposal, requests in writing that the proposal be referred to an advisory committee and makes advance deposit as provided by § 120.33 (i) (3) the Commissioner shall appoint a committee as provided in § 120.11 and refer the proposal and relevant data to such committee. The Department and the committee shall proceed as prescribed in section 408 and this part.

(d) If further advance deposits are not made upon request of the Commissioner, as provided in § 120.33 (i) (3) the request for referral of the petition to an advisory committee shall be considered withdrawn, and a tolerance shall be established within 90 days from the date on which the Commissioner requested the further advance deposit.

§ 120.30 *Judicial review.* (a) The Secretary of Health, Education, and Welfare hereby designates the Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare as the officer upon whom copy of petition for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the order of the Secretary of Health, Education, and Welfare is based. The transcript and record shall be certified by the Secretary.

(b) Before forwarding the transcript and record to the court the Department shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made shall forward the transcript of proceeding and record to the court.

§ 120.31 *Temporary tolerances.* (a) A temporary tolerance (or exemption from a tolerance) established under authority of section 408 (j) of the act shall be deemed to be a tolerance (or exemption from the requirement of a tolerance) for the purposes of section 408 (a) (1) or (2) of the act.

(b) (1) A request for a temporary tolerance or a temporary exemption from a tolerance by a person who has obtained an experimental permit for a pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act shall be accompanied by a copy of such experimental permit, such data as are available on subjects outlined in clauses (A) (B) (C) (D) (E) (F) and (G) of section 408 (d) (1) and an advance deposit to cover fees as provided in § 120.33 (d)

(2) Before an experimental permit has been obtained, the Pesticide Branch upon request of the Department of Agriculture or a person who proposes to apply for an experimental permit will consider available data and discuss its adequacy for the purpose of justifying a tolerance or exemption from a tolerance.

(c) A notice of the issuance of a temporary tolerance outlining any restrictions as to use of the chemical imposed under the experimental permit under the Federal Insecticide, Fungicide, and Rodenticide Act may be published in the FEDERAL REGISTER if the Commissioner deems such publication desirable.

(d) A temporary tolerance or exemption from a tolerance may be issued for a period designed to allow the orderly marketing of the raw agricultural commodities produced while testing a pesticide chemical under an experimental permit issued under authority of the Federal Insecticide, Fungicide, and Rodenticide Act when the Commissioner concludes that the public health can be adequately protected during such marketing. A temporary tolerance or exemption from a tolerance may be revoked if the experimental permit is revoked, or may be revoked at any time if it develops that the application for a temporary tolerance contains a misstatement of a material fact or that new scientific data or experience with the pesticide chemical indicates that it may be hazardous to the public health.

§ 120.32 *Procedure for amending and repealing tolerances or exemptions from tolerances.* (a) The Commissioner on his own initiative or on request from an interested person furnishing reasonable grounds therefor, may propose the issuance of a regulation amending or repealing a tolerance for a pesticide chemical on raw agricultural commodities or granting or repealing an exemption from tolerance for such chemical. Requests for such amendment or repeal shall be made in writing and accompanied by an advance deposit to cover fees as provided in § 120.33 (d)

(b) Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such tolerance or exemption from tolerance and an assertion of facts (supported by data if available) showing that new uses for the pesticide chemical have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the application of the tolerance or exemption from tolerance may justify its amendment or repeal. Evidence that a person has registered or has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act will be regarded as evidence that he has a substantial interest in a tolerance or exemption from the requirement of a tolerance for a pesticide chemical that consists in whole or in part of the economic poison. New data should be furnished in the form specified in § 120.7 (b) for submitting petitions.

(c) The notice announcing the proposal to amend or repeal a regulation shall show whether the proposal was made on the initiative of the Commissioner or at the request of an interested person, naming such person. From this point the proceedings shall be the same as prescribed by section 408 (e) beginning with the second sentence of that paragraph, and the regulations applicable to section 408 (d) (e) (f) and (g)

§ 120.33 *Fees.* (a) Except as noted in paragraphs (b) and (c) of this sec-

tion, each petition or request for the establishment of a tolerance shall be accompanied by a deposit of $500.00, plus $50.00 for each raw agricultural commodity more than nine on which the establishment of a tolerance is requested.

(b) A petition requesting two or more numerical tolerance levels shall be accompanied by a deposit of $750.00, plus $50.00 for each raw agricultural commodity more than 14 on which the establishment of a tolerance is requested.

(c) Each petition or request for the extension of a tolerance already established for a pesticide chemical on one raw agricultural commodity to additional commodity or commodities shall be accompanied by a deposit of $50.00, plus $50.00 for each raw agricultural commodity to which extension of the tolerance is requested.

(d) Each petition or request for an exemption or a temporary exemption from the requirement of a tolerance, a temporary tolerance, or the amendment or repeal of a tolerance or exemption shall be accompanied by a deposit of $500.00.

(e) If a petition or a request proposing the issuance of a regulation is not accepted for filing or processing because it is technically incomplete, the deposit, less a $50.00 fee for clerical handling and initial administrative review, shall be returned unless the petitioner indicates that he wishes to submit a supplement, in which case the deposit will be held by the Commissioner, and the supplement shall be accompanied by a nonreturnable fee of $50.00.

(f) When a petition is withdrawn after filing and resubmitted within 6 months, it shall be accompanied by a deposit of $150.00, or by a deposit equal to the one originally submitted, whichever is smaller. If resubmitted after 6 months, it shall be accompanied by the deposit that would be required if it were being submitted for the first time.

(g) After a petition has been filed, any additional information or data submitted in support of it (i. e., any substantive amendment) shall be accompanied by a deposit of $150.00 or by a deposit equal to the one originally submitted, whichever is smaller.

(h) Objections under section 408 (d) (5) of the act shall be accompanied by a filing fee of $250.00.

(i) (1) In the event of a referral of a petition or proposal under this section to an advisory committee, the costs shall be borne by the person who requests the referral of the data to the advisory committee.

(2) Cost of the advisory committee, including expenses of the secretariat, will not exceed $75.00 per member per day plus cost of duplicating documents referred to the committee, plus necessary traveling and subsistence expenses of the members while they are serving away from their places of residence.

(3) An advance deposit shall be made in the amount of $2,500 to cover the costs. Further advance deposits of $2,500 each shall be made upon request of the Commissioner when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(j) The person who files a petition for judicial review of an order under section 408 (d) (5) or (e) of the act shall pay the costs of preparing a transcript of the proceedings and the record on which the order is based.

(k) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, D. C. All deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C., whereupon after making appropriate record thereof they will be transmitted to the Treasurer of the United States, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(l) The Commissioner may waive or refund such fees in whole or in part when in his judgment such action will promote the public interest.

(m) Any person who believes that payment of these fees will work a hardship on him may petition the Commissioner to waive or refund the fees.

Effective date. These regulations shall be effective 30 days after the date of publication of this order in the FEDERAL REGISTER. Action taken in reliance upon the tentative regulations will be regarded as in compliance with law.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F R. Doc. 55-1025; Filed, Feb. 3, 1955; 8:48 a. m.]

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18) the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Parts 146b, 146e; 19 F R. 672, 673, 1141, 1421, 2204, 5986, 8690) are amended as indicated below:

1. In § 146b.106 *Streptomycin sulfate solution* * * * subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by inserting the words "or 48 months" immediately following the words "or 36 months"

2. Section 146e.404 (c) (1) (iii) is amended to read as follows:

§ 146e.404 *Bacitracin troches, zinc bacitracin troches.* * * *

(c) *Labeling* * * *

(1) * * *

(iii) The statement "Expiration date ---------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

3. In § 146e.422 *Bacitracin-polymyxin-neomycin ointment,* paragraph (b) is amended by changing the reference to "paragraph (a) (3)" to read "paragraph (a) (4)"

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the aforesaid amendments.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: January 31, 1955.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F R. Doc. 55-1026; Filed, Feb. 3, 1955; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Subchapter N—National Defense Housing Insurance

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

MISCELLANEOUS AMENDMENTS

1. In § 204.11 the introductory text of paragraph (a) is amended to read as follows:

§ 204.11 *Condition of property when transferred, delivery of debentures, certificate of claim and definition of term "waste"* (a) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of § 204.10, and at any time within 30 days (or such further time as may be necessary to complete the title examination and perfect such title) after

acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with § 204.10 (a) the mortgagee shall either (1) tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, or (2) with the prior approval of the Commissioner, tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed or other satisfactory instrument of conveyance from the mortgagor or other appropriate grantor, such deeds or instrument of conveyance conveying good merchantable title (evidenced as provided in § 204.12) to such property undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired or tendered such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignment and shall deliver to the mortgagee:

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

2. Section 295.10 (c) is amended to read as follows:

§ 295.10 *Transfer of property to the Commissioner; conditions of default in mortgage.* * * *

(c) For the purpose of this section, the date of default shall be considered as 30 days after (1) the first uncorrected failure to perform a covenant or obligation, or (2) the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due: *Provided, however* That with respect to any mortgage heretofore or hereafter insured, and notwithstanding any other provisions of this part, if the mortgagee withholds or has withheld foreclosure proceedings against the mortgagor pursuant to the provisions of a forbearance agreement approved by the Commissioner, partial payments received by the mortgagee may be applied and reapplied in the manner prescribed in such agreement, the date of default shall be 30 days after the due date of the earliest monthly payment any part of which remains unpaid, and the Commissioner may waive the payment of mortgage insurance premiums, or any portion thereof, to the extent that partial payments received from the mortgagor during the period of forbearance are insufficient to pay such premiums after applying such partial payments to delinquent interest at a rate not in excess of the interest rate applicable to debentures to which the mortgagee may be entitled under the provisions of § 295.11 (a) (1)

(Sec. 907, 65 Stat. 301; 12 U. S. C. 1750f)

Issued at Washington, D. C., January 27, 1955.

NORMAN P MASON,
Federal Housing Commissioner

[F R. Doc. 55-1048; Filed, Feb. 3, 1955; 8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 90—TABLE OF CHARGES AT THE MINTS AND ASSAY OFFICES OF THE UNITED STATES

Correction

In F R. Doc. 55-791, appearing in the issue for Thursday, January 27, 1955, at page 589, the following changes should be made:

1. The table immediately following the headnote of § 90.3, at the bottom of the first column, should be transposed so that it will appear directly following § 90.4 (c) (3)

2. The table that now follows § 90.4 (c) (3) should be transposed so that it will appear directly following the headnote for § 90.3.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

APPEALS FROM DECISIONS OF CONTRACTING OFFICERS UNDER SUPPLY CONTRACTS

Immediately following § 1.755, a new centerhead as set forth above and §§ 1.760 through 1.765 are added as follows:

Sec.
1.760 Appeals authority.
1.761 Appeals organization.
1.762 Method of appeals.
1.763 Procedure of Appeals Board.
1.764 Report by Appeals Board.
1.765 Notification of decision.

AUTHORITY: §§ 1.760 to 1.765 issued under sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply 68 Stat. 81.

§ 1.760 *Appeals authority*—(a) *Contract provisions.* Provisions of Veterans' Administration supply contracts include a clause, under which certain disputes arising under the contract and not disposed of by agreement shall be decided by the contracting officer subject to written appeal by the contractor, within 30 days, addressed to "the head of the department," or "his duly authorized representative."

(b) *Finality of decisions.* Public Law 356, 83d Congress (68 Stat. 81) approved May 11, 1954 (sec. 1) permits judicial review of decisions of the head of a department or agency or his duly authorized representative or board in all such disputes: *Provided, however* That any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence. The same act (sec. 2) prohibits inclusion in any Government contract of a provision making final the decision of any administrative official, representative, or board on a question of law. Any statement in a Veterans' Administration supply contract concerning the finality of administrative decisions under its provisions will be understood and interpreted as effective only to the extent consistent with Public Law 356, 83d Congress.

§ 1.761 *Appeals organization*—(a) *Administrator's authorized representative.* By definition, under the general provisions of Veterans' Administration supply contracts, the term "head of the department" means the head or any assistant head of the executive department or independent establishment involved, and the term "his duly authorized representative" means any person authorized to act for him other than the contracting officer. The Chief Purchasing Agent has been designated as the duly authorized representative of the Administrator to hear appeals from decisions of Veterans' Administration contracting officers under supply contracts and render decisions thereon in accordance with contract provisions.

(b) *Supply Contract Appeals Board.* There has been established in the office of the Chief Purchasing Agent a Supply Contract Appeals Board (hereinafter referred to as "the Board") charged with the responsibility for ascertaining and reporting to the Chief Purchasing Agent the facts and circumstances attending appeals by contractors from decisions of Veterans' Administration contracting officers, submitted in accordance with provisions of supply contracts, and for making recommendations thereon for his decision.

(1) The chief, purchase policy division, has been designated as the chairman of the Board and he will assign two (2) technical members of the division to serve with him as the Board on each appeals case under consideration. The Board is authorized to take such actions and to adopt such rules and procedures as may be necessary and appropriate for accomplishment of its assigned functions and for efficient disposition of matters which may properly come before it.

§ 1.762 *Method of appeals*—(a) *Address.* Decisions by a contracting officer relative to a dispute on questions of fact under a supply contract shall be in writing and shall contain the finding of fact upon which the decision was based. If the contractor takes issue therewith, he may, as provided in the contract, file a written appeal within 30 days from receipt of the adverse decision. Appeals should be addressed to the Assistant Administrator for Administration, Veterans' Administration, Washington 25, D. C., Attention: Supply Contract Appeals Board.

(b) *Information to be submitted by appellant.* While no particular form is prescribed for the notice of appeal, the following items should be included

therein to avoid time-consuming delays and unnecessary correspondence:

(1) Contract number and date, and name of the contracting officer.

(2) General statement as to the subject matter of the contract, e. g., for the furnishing of supplies, equipment or services of a certain character to; etc.

(3) Date and nature of the decision of the contracting officer from which appeal is taken.

(4) Relief sought by the appellant.

(5) Advice as to whether the appellant desires to rest his appeal upon the present record (which would include all of the applicable files and data of the contracting officer) whether the appellant intends to submit a written brief in support of his contentions, or whether, in addition to submitting a written brief, the appellant desires also to appear personally before the Board or be represented in support of his contentions. There may be included in the notice of appeal under subparagraph (4) of this paragraph, the appellant's reasoning and arguments in favor of the appeal, in lieu of a brief.

(c) *Information to be submitted by contracting officer* All Veterans' Administration contracting officers and other Veterans' Administration officials and employees having responsibility for or official knowledge of the award, administration, or supervision of supply contracts, or of work performed thereunder, are required to furnish the Board such information, evidence, technical data, and similar assistance as the Board may properly require from time to time in the performance of its duties. Appeals received by the contracting officer will be forwarded promptly to the Supply Contract Appeals Board and the contracting officer will, in turn, within reasonable time thereafter, furnish to the Board the following information.

(1) Detailed statement of the reasons and findings of fact upon which was based the decision from which relief is being sought.

(2) Copies of the contract documents, including applicable plans, specifications, amendments or change orders, supplemental agreements, and related material.

(3) Copies of all correspondence and other records having a bearing upon the matter in dispute, together with such other data as the contracting officer may consider pertinent or as the Board may specifically request during consideration of the appeal. Material from files of the contracting officer will be returned following decision upon the appeal if requested, or if material is so marked when submitted to the Board.

(4) To avoid the possibility of delays after an appeal has been made, correspondence relative to the appeal will be direct between the contracting officer and other Veterans' Administration officials and employees having official knowledge, and the Board assigned to the case.

(d) *Preliminary action by Board.* The Board will promptly acknowledge receipt of notice of appeal filed, in proper form as outlined in this section, by a contractor. Upon request by the appellant, the Board will furnish him with a statement of the contracting officer's findings of fact and reasons for the decision as indicated to the Board (paragraph (c) (1) of this section) The contracting officer's files and other internal administrative data before the Board will not be available for inspection by the appellant.

§ 1.763 *Procedure of Appeals Board*— (a) *Consideration on basis of record.* Should the appellant indicate that he rests his case upon the record and his notice of appeal, without the filing of a brief or personal appearance before the Board, the Board will, upon receipt of the information furnished by the contracting officer, consider the facts before it, obtaining and including such further data and evidence as the Board may in its judgment, consider necessary to a proper adjudication. As promptly as the matters involved in the case will admit, the Board will make its determinations and recommendations.

(b) *Consideration on record and written brief.* Should the appellant indicate that he rests his case upon the record as supplemented by his written brief, without personal appearance before the Board, the Board will, upon receipt of the information furnished by the contracting officer and the brief furnished by the appellant, consider the facts before it, obtaining and including such further data and evidence as the Board may in its judgment, consider necessary to a proper adjudication. As promptly as the matters involved in the case will admit, the Board will make its determinations and recommendations thereon.

(1) No particular form is prescribed for appellant's brief, if one is submitted.

(2) The brief should be in sufficient detail to set out clearly the issues and the appellant's position with respect thereto, and may include such supporting data and documentation as the appellant considers necessary to sustain his position.

(c) *Personal appearance of appellant.* An appellant may appear before the Board in person or be represented by counsel (including any duly authorized person) or both.

(1) *Brief.* If an appellant elects to appear personally or by representation before the Board, a brief or statement covering all items of his contentions and his intended presentation pertaining thereto must be filed with the Board not less than 10 calendar days in advance of his scheduled appearance. Further, in order that appropriate space and stenographic arrangements may be made, appellant must advise therewith (i) the estimated length of time which will be required for his presentation, and (ii) the number, names, addresses, and capacities of persons who will be present in his behalf.

(2) *Meetings.* Meetings of the Board for the purpose of such personal appearances will be held normally in the Veterans Administration Building, Washington, D. C., after due notification to appellants by ordinary mail to the latest address of record. Every reasonable effort will be made to suit the convenience of appellants as to the time of meetings.

(3) *Proceedings.* Proceedings of the Board will be informal, in the sense that rules of evidence and like formalities ordinarily observed in judicial and quasi-judicial proceedings will not be strictly followed. The Board, however, reserves the right to exclude such testimony as, in its judgment, is improper, of no probative value, or not pertinent to the issues before it.

(4) *Transcripts.* Proceedings of the Board will be stenographically reported. Such stenographic reporting is usually done by reporters under contract with the Government, who are considered to be competent. The Government, however, assumes no responsibility for the completeness or accuracy of any transcript, whether by contract reporter or by Government personnel. The Government will not furnish appellants with copies of the transcript made by a contract reporter. Copies may be purchased by appellants directly from the reporter. In cases where the transcript is prepared by Government personnel, one copy may be furnished to the appellant without charge.

(5) *Failure to appear* Should the appellant fail to appear, personally or by representation, at the time stated in the notice of meeting, the Board will proceed upon the record in the same manner as if no personal appearance had been requested.

(6) *Findings.* Upon completion of the proceeding, the Board will consider all of the facts before it, obtaining and including such further data, evidence, or testimony as the Board may in its judgment, consider to be necessary for a proper adjudication of the issues. As promptly thereafter as the matters involved in the case will admit, the Board will make its determinations and recommendations.

§ 1.764 *Report by Appeals Board*— (a) *Opportunity for rebuttal.* Unless its recommendations are in accordance with contentions of the appellant, the Board, upon completion of its deliberations, and prior to submission of its report to the Chief Purchasing Agent for his decision, will submit to the appellant, by registered mail, a draft of its proposed determinations and findings as to the facts appearing in the case, and its recommendations thereon. The appellant will be allowed a period of 30 calendar days from the date of mailing of the draft, or such further time as the Board in its discretion may allow, to submit such further pertinent written evidence, data, and arguments as he may desire in support of his contentions. No further personal appearance by the appellant before the Board will be allowed, unless, in the judgment of the Board, a further development of the facts through this means is necessary.

(b) *Consideration of rebuttal.* If further evidence, date, and arguments in writing are submitted by the appellant, within the rebuttal time allowed, they will receive consideration by the Board before rendition of its final report to the Chief Purchasing Agent for his decision, and will accompany the report. Requests for reconsideration will not thereafter be entertained.

§ 1.765 *Notification of decision.* The formal decision of the Chief Purchasing Agent upon an appeal will be communicated in writing to the appellant by ordinary mail.

This regulation is effective February 4, 1955.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator

[F R. Doc. 55-1064; Filed, Feb. 3, 1955; 8:53 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III, LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. In § 36.4301, paragraph (a) is amended to read as follows:

§ 36.4301 *Definitions.* * * *

(a) "Act" means Public Law 346, 78th Congress (58 Stat. 284) cited as the "Servicemen's Readjustment Act of 1944," as amended by Public Law 268, 79th Congress (59 Stat. 626) and other subsequent enactments (38 U. S. C. 694, et seq.)

* * * * *

2. In § 36.4320, paragraph (j) is amended to read as follows:

§ 36.4320 *Sale of security.* * * *

(j) Except as provided in paragraph (h) (6) of this section, the provisions of this section shall not be in derogation of any rights which the Administrator may have under § 36.4325. The Deputy Administrator for Veterans Benefits may authorize any deviation from the provisions of this section, within the limitations prescribed in the act, which may be necessary or desirable to accomplish the objectives of this section if such deviation is made necessary by reason of any laws or practice in any State or Territory or the District of Columbia. *Provided,* That no such deviation shall impair the rights of any holder not consenting thereto with respect to loans made or approved prior to the date the holder is notified of such action.

3. Section 36.4331 is revised to read as follows:

§ 36.4331 *Disqualification of lenders.* (a) The Administrator may suspend a lender or holder from obtaining guaranty or insurance of loans, or from purchasing guaranteed or insured loans, whenever he finds that the lender or holder has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of veterans or of the Government. Written notice of such suspension shall be furnished to the lender or holder concerned, which notice shall state the effective date of the suspension. A suspended lender or holder shall have the right to apply to the Administrator for a hearing at which opportunity shall be afforded to show why such suspension should be terminated or modified. In response to each such application the Deputy Administrator for Veterans Benefits, as soon as he may deem it feasible to do so, shall designate a time and place as he may deem appropriate for such hearing and shall appoint one or more persons, who shall constitute the board, to conduct the hearing. Authority is hereby delegated to the person or persons designated to conduct such hearing to administer oaths to witnesses. The lender or holder shall have the right to appear at such hearing in person or by attorney or both, and to introduce evidence showing why such suspension should be modified or terminated.

(b) As soon as is practicable after the conclusion of the hearing, the board will make findings of fact and recommendations in writing to the Deputy Administrator, Department of Veterans Benefits, and will furnish the lender or holder a copy thereof. The lender or holder shall have the right within fourteen (14) days after receipt of such copy to file with the Deputy Administrator, Department of Veterans Benefits, a brief of either, or both, facts and law.

(c) Upon receipt of the findings and recommendations of the board and the brief of the lender or holder, if one is filed, the Deputy Administrator, Department of Veterans Benefits, shall make a determination in the case; i. e., whether the suspension as originally imposed is continued, modified, or terminated, and what terms or conditions, if any, are imposed for termination or modification of the suspension. Notice of such determination shall be given to the lender or holder. The lender or holder shall have the right to appeal such decision to the Administrator within thirty (30) days after the date of receipt of such notice. In the event of an appeal, the Administrator will decide the matter finally and will notify the lender or holder of his decision.

(d) Except where acquisition is pursuant to a binding contract antedating the suspension, the purchase of a guaranteed or insured loan by a lender or holder after the date of its suspension shall cancel the guaranty or insurance of such loan, provided the notice to the lender or holder of the suspension expressly bars such lender or holder from acquiring by purchase loans guaranteed or insured by the Administrator.

4. In § 36.4342, paragraphs (b) and (c) are amended to read as follows:

§ 36.4342 *Delegation of authority.* * * *

(b) Designated positions:

Deputy Administrator for Veterans Benefits.
Manager, regional office.
Manager, Veterans Benefits Office (Washington, D. C.).
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

(c) Nothing in this section shall be construed (1) to authorize any such employee to exercise the authority vested in the Administrator under section 504 (a) or section 508 (b) of the act, or to sue, or enter appearance for and on behalf of the Administrator, or confess judgment against him in any court without his prior authorization, or (2) to include the authority to exercise those powers delegated to the Deputy Administrator for Veterans Benefits under §§ 36.4320 (j) 36.4335, 36.4343, or 36.4344. *Provided,* That anything in the regulations concerning guaranty or insurance of loans to veterans to the contrary notwithstanding any evidence of guaranty or insurance issued on or after July 1, 1948, by any of the employees designated in paragraph (b) of this section or by any employee designated an authorized agent or a loan guaranty agent shall be deemed to have been issued by the Administrator, subject to the defense reserved in section 511 of the act.

5. In § 36.4343, paragraph (a) is amended and paragraph (f) is deleted as follows:

§ 36.4343 *Loans which may not be processed automatically.* (a) Any loan, which is (1) related to an enterprise in which more than 10 individuals will participate; or (2) to be made for the purchase or construction of residential units in any housing development, cooperative or otherwise, the title to which development or to the individual units therein is not to be held directly by the veteran-participants, or which contemplates the ownership or maintenance of more than 3 units or of their major appurtenances in common, or (3) to be made for business or farm purposes in the amount of $25,000 or more, to be eligible for guaranty or insurance shall require prior approval of the Deputy Administrator for Veterans Benefits who may issue such approval upon such conditions and limitations as he may deem appropriate, not inconsistent with the provisions of the act and the regulations concerning guaranty or insurance of loans to veterans.

* * * * *

(f) [Deleted.]

6. Section 36.4344 is revised to read as follows:

§ 36.4344 *Loans for corporate or partnership purposes.* A loan of less than $25,000 to an eligible veteran, for the purchase of an interest in a corporation or partnership to enable him to engage in business, may be guaranteed or insured, if otherwise eligible; provided such veteran has or upon completion of the loan transaction will have control of the management of the enterprise through ownership of more than 50 percent of the outstanding voting stock of the corporation or at least a 50 percent interest in the partnership, and such veteran is or as a result of the purchase will become actively engaged in the conduct of the business on a full- or part-time basis. Any loan to be made for the purchase of an interest in a business in which the veteran does not have or will not acquire the control above prescribed for loans eligible for automatic guaranty shall require the prior approval of the Deputy Administrator for Veterans Benefits. A loan, otherwise eligible, may be approved for guaranty or insurance under this section provided that the conditions under which the veteran will engage in the business are such as reasonably to assure the right to an active participation by the veteran in the operation,

management, supervision, and control of the business during the life of the loan.

7. In § 36.4361, paragraph (b) is amended and new paragraphs (c) and (d) are added as follows:

§ 36.4361 *Right of the Administrator to refuse to appraise residential properties.* * * *

(b) Any person or persons affected by such refusal to appraise shall have the right within ten (10) days after receipt of written notice of such refusal to file with the Administrator, by registered mail, a request for a hearing. Upon receipt of such request, the Deputy Administrator for Veterans Benefits shall, as promptly as he deems it feasible to do so, designate a time and place as he deems appropriate for such hearing and shall appoint one or more persons who shall constitute a board to conduct the hearing. The person or persons requesting such hearing shall be afforded full opportunity to appear at the hearing in person, or by counsel, or both and to introduce evidence showing why the sanction should be terminated or modified. Authority is hereby granted to the persons designated to conduct the hearing to administer oaths to witnesses.

(c) As soon as is practicable after conclusion of the hearing, the board will make findings of fact and recommendations in writing to the Deputy Administrator for Veterans Benefits, and will furnish the builder or other person requesting the hearing a copy thereof. Such builder or other person shall have the right within fourteen (14) days after receipt of such copy to file with the Deputy Administrator for Veterans Benefits, a brief of either, or both, facts and law.

(d) Upon receipt of the findings and recommendations of the hearing board and the brief of the builder or other person requesting the hearing, if a brief is filed, the Deputy Administrator for Veterans Benefits shall make a determination in the case; i. e., whether the refusal to appraise as originally imposed is continued, modified, or terminated and what terms or conditions, if any, are imposed for termination or modification of the refusal to appraise. Notice of such determination shall be given to the person requesting the hearing. Such person shall have the right to appeal such decision to the Administrator within thirty (30) days after the date of receipt of such notice. In the event of an appeal, the Administrator will decide the matter finally and will notify the person who filed the appeal of his decision.

8. In the provisional regulations, § 36.4901 is revoked.

§ 36.4901 *Suspension of lenders from loan guaranty activities.* [Revoked.]

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective February 4, 1955.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator

[F R. Doc. 55-1065; Filed, Feb. 3, 1955; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

CHANGES IN CODIFICATION

EDITORIAL NOTE: The following changes are made in the codification of this chapter:

1. The heading of Subchapter Z is changed to read "Subchapter Z—Withdrawals, restorations, and classifications."

2. In Part 297, §§ 297.5, 297.6, and 297.8–297.19 are deleted.

3. Sections 297.3, 297.4, and 297.7, the only other sections remaining in the part, are redesignated and transferred to Part 80, as §§ 80.100, 80.101, and 80.102, to be inserted in that part under the centerhead "Alaska Railroad Town Sites"

PART 194—POTASSIUM PERMITS AND LEASES

SUSPENSION OF EFFECTIVE DATE AND NOTICE OF HEARING

The effective date of the complete revision of Part 194 approved December 2, 1954, and filed with the FEDERAL REGISTER December 23, 1954, is hereby suspended until further notice.

A hearing on the objections which have been offered to the regulations will be held February 11 1955, at 10:00 a. m., in Room 5116 of the Department of the Interior, Washington, D. C.

Meanwhile, the regulations in effect prior to the approval of the regulations on December 2, 1954, shall remain in effect.

DOUGLAS MCKAY,
Secretary of the Interior

FEBRUARY 1, 1955.

[F R. Doc. 55-1066; Filed, Feb. 3, 1955; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 194]

POTASSIUM PERMITS AND LEASES

NOTICE OF HEARING ON POTASSIUM REGULATIONS

Notice is hereby given that a hearing will be held at 10:00 a. m. on February 11, 1955, in Room 5116 of the Department of the Interior, Washington 25, D. C., for the purpose of considering objections which have been offered to the regulations approved December 2, 1954, 43 CFR Part 194.

Persons desiring to be heard should so notify the Secretary of the Interior, Washington 25, D. C., prior to the time and date of the hearing.

The effective date of the regulations approved December 2, 1954 is suspended until further notice.

DOUGLAS MCKAY,
Secretary of the Interior

FEBRUARY 1, 1955.

[F R. Doc. 55-1067; Filed, Feb. 3, 1955; 8:53 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PREVAILING MINIMUM WAGE FOR PHOTOGRAPHIC SUPPLIES INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT

The then Secretary of Labor, in a minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (41 U. S. C. Secs. 35–45) and made effective January 25, 1950 (15 F R. 382) determined that the prevailing minimum wage for persons employed in the Photographic Supplies Industry was not less than 75 cents per hour. This determination also authorized the employment of learners and handicapped workers in accordance with the regulations, standards and procedures under the Fair Labor Standards Act. This determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F R. 4634)

I have decided that a review of this determination is appropriate.

The industry is presently divided into the photographic supplies branch and the blueprint papercoating branch which are defined as follows:

(1) The photographic supplies branch of the photographic supplies industry is defined as that industry which manufactures or furnishes any of the following products: Cameras, including motion-picture cameras (except 35 millimeter) photostat and blueprint machines; tripods, film rewinders, and reels, shutters, and other photographic accessories (except 35 millimeter) such equipment as flashlight apparatus, plate holders, developing apparatus; supplies such as films, photographic paper, and plates; and projectors of all types (except 35 millimeter)

(2) The blue print paper coating branch of the photographic supplies industry is defined as that industry which manufactures or furnishes any of the following products: Blueprint, brownprint, blackprint, blackline and other similarly sensitized papers and cloths.

Experience in the administration and enforcement of the present determination and in gathering employment and wage data relative to the Industry makes it appear administratively desirable and economically sound to redesignate the Industry as the Photographic and Blueprinting Equipment and Supplies Industry and to define it as follows:

(1) The photographic equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes such products as: still and motion-picture cameras; projection apparatus; photographic lenses; shutters; photocopy and microfilm machines; developing tanks and machines; enlargers; plate and film holders; tripods; film reels; picture projection screens; sensitized film, paper and plates; prepared photographic developers, and toners and fixers. Excluded are photographs, or photographic reproductions, or photographic finishing of any kind; photographic exposure meters; and photographic bulbs, tubes and related light sources.

(2) The blueprinting equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes any of the following products: Blueprint machines and other apparatus and equipment used in blueprinting, whiteprinting, and other related processes; sensitized blueprint paper and cloth and other similarly sensitized papers and cloths; and specially prepared developing solutions intended for use with such sensitized papers and cloths, but not including the manufacture of blueprints.

Now, therefore, notice is hereby given: That a public hearing will be held on March 8, 1955, at 10:00 a. m., in Room 2203, United States Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C. before the Secretary of Labor or a duly assigned Hearing Examiner, at which hearing all interested persons may appear and submit data, views, and argument (1) as to the propriety of the proposed redesignation and redefinition of the Industry; (2) as to what are the prevailing minimum wages in the Industry; (3) as to whether there should be included in any amended determination for this Industry provision for employment of learners, beginners or apprentices at subminimum rates and on what terms or limitations, if any, such employment should be permitted; (4) as to whether a single determination applicable for all of the area in which the Industry operates, or a separate determination for each of several different smaller geographical areas (including the appropriate limits of such areas) should be determined for this Industry. Employment and wage data have been prepared in the Department of Labor for consideration at the hearing and will be made available to interested parties upon request.

Persons intending to appear are requested to notify the Administrator of the Wage and Hour and Public Contracts Divisions of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail with the Administrator at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Persons who wish to appear should be prepared to testify with respect to the adequacy and accuracy of the employment and wage data prepared in the Department of Labor, and also to present specific factual information in support or in derogation of the adequacy and accuracy of such data.

The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness: (1) The identity of any products which are not now expressly included in the definition of the Industry which should be included and of any products now included which should not be included; (2) the number of workers covered in the presentation, (3) the number and location of establishments; (4) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these employees are found, (5) whether learners, beginners or apprentices are employed at subminimum rates, and if so, in what occupations, at what subminimum rates, and for what periods, and the number or proportion of such employees; and (6) the extent to which there is competition in this industry between different plants in different geographical areas.

To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis.

Signed at Washington, D. C., this 28th day of January 1955.

JAMES P MITCHELL,
Secretary of Labor

[F R. Doc. 55-1049; Filed, Feb. 3, 1955; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES FOR PESTICIDE RESIDUES IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF SODIUM 2,4-DICHLOROPHENOXYETHYL SULFATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1) 68 Stat. 512; 21 U. S. C. 348 (d) (1)) the following notice is issued.

A petition has been filed by Union Carbide and Carbon Corporation, 30 East Forty-second Street, New York, New York, for the establishment of the following tolerances for the combined residues of sodium 2,4-dichlorophenoxyethyl sulfate (commonly called SES) and its breakdown products 2,4-dichlorophenol and 2,4-dichlorophenoxy ethanol:

1. A tolerance of 2 parts per million on asparagus, radishes, cabbage, lettuce, eggplants, and peppers.

2. A tolerance of 3 parts per million on field corn, sweet corn, and onions.

3. A tolerance of 6 parts per million on strawberries, potatoes, beans, peanuts, peanut hulls, and peanut hay.

The petition proposes the following analytical method for the determination of SES and the breakdown products:

SODIUM 2,4-DICHLOROPHENOXYETHYL SULFATE AND ITS HYDROLYSIS PRODUCTS—DETERMINATION ON FOOD CROPS BY REACTION WITH METHYLENE BLUE CHLORIDE

1. *Purpose and limitations.* This method has been devised for the determination of sodium 2,4-dichlorophenoxyethyl sulfate and its hydrolysis products, 2,4-dichlorophenoxyethanol and 2,4-dichlorophenol in fresh, frozen, and dried plant materials. The procedure is applicable to the analysis of solutions containing 0.002 to 0.200 milligram of the herbicide and 0.003 milligram to 0.50 milligram of its hydrolysis products. A suitable dilution of the sample must be made for the analysis of solutions of higher concentrations.

The presence of residues or substances containing other anionic surface-active compounds such as high-molecular-weight alkyl or aryl sulfates will cause erroneous results, which are due to reaction with the methylene blue chloride. However, most of the soil conditioners and insecticides used in conjunction with the herbicide, such as sulfur, lead arsenate, lime, DDT, and other chlorinated compounds do not interfere. The presence of residues or substances of eight or more carbon atoms containing one or more hydroxyl groups will cause erroneous results, which are due to reaction with chlorosulfonic acid to form anionic surface-active compounds.

A blank control extraction is made to correct for any small amount of interfering substances inherent in the plant material itself. Decomposition products caused by the excessive decay or processing of certain plant materials interfere; consequently, the procedure gives reliable results only on relatively fresh materials.

2. *Principle.* Sodium 2,4-dichlorophenoxyethyl sulfate, 2,4-dichlorophenoxyethanol, and 2,4-dichlorophenol are extracted from the plant material with water in a Soxhlet extractor. Half of the extract is washed with chloroform to remove 2,4-dichlorophenoxyethanol and 2,4-dichlorophenol; the herbicide remains in the aqueous phase. The chloroform layer is separated and reserved for the hydrolysis products determination. Methylene blue chloride solution and chloroform are added to the aqueous phase. The colored complex formed by the herbicide, an anionic surface-active agent, and the indicator is quantitatively extracted into the chloroform layer. The intensity of the color is measured at a wavelength of 650 mμ and the amount of herbicide present is determined by reference to a previously prepared calibration curve.

The chloroform solution containing the hydrolysis products is reacted with a dilute solution of chlorosulfonic acid in chloroform to form the corresponding sulfates. The organic sulfates are reextracted with water and added to a two-phase system of chloroform and aqueous methylene blue chloride solution. The intensity of the colored complex in the chloroform layer is measured at a wavelength of 650 mμ, and the amount of hydrolysis products present is determined as 2,4-dichlorophenoxyethanol by reference to a previously prepared calibration curve. The absorbance of low concentrations of the sulfates of 2,4-dichlorophenoxyethanol and 2,4-dichlorophenol when complexed with methylene blue is coincident.

3. *Preparation of sample.* a. Dice the sample with a suitable cutting instrument so that the pieces will fit into a 250-milliliter Soxhlet extractor.

b. If the sample cannot be analyzed immediately, place in a vacuum oven at 50° C. and 2-millimeter vacuum until dried. The dried sample and condensate can then be analyzed at a later date.

4. *Sample-extraction procedure.* a. Assemble a series of six 250-milliliter Soxhlet extractors so that the kettles can be conveniently heated by means of strip heaters. Cover the bottom of the extractor with a plug of glass wool.

b. Transfer 150 milliliters of distilled water to each of the Soxhlet extractor kettles.

c. Into three of the extractors introduce an amount of treated plant material to conveniently fill the extractor. For dried plant material, introduce into a Soxhlet thimble 15 grams to 20 grams of sample weighed to the nearest 0.10 gram. For fresh materials, use at least 100 grams, weighed to the nearest 1.0 gram.

d. Introduce approximately the same amount of control or untreated plant material into the remaining extractors and reserve as blanks.

e. Apply heat to the extraction flasks and allow the extractions to continue until a total of three siphonations has occurred. Remove the source of heat and allow the contents of each flask to cool to room temperature.

f. Filter the contents of each flask through Whatman No. 1 filter paper, using a suitable suction flask.

g. Reserve each filtrate for the analysis procedures. If the extracts cannot be analyzed immediately, store in a suitable cold bath or refrigerator to prevent the formation of mold.

5. *Reagents required.* a. Methylene blue chloride solution. Dissolve 0.050 ± 0.005 gram of Eastman Kodak reagent grade methylene blue chloride indicator in 1 liter of distilled water. Carefully add 10 milliliters of concentrated c. p. sulfuric acid and 50 grams of anhydrous c. p. sodium sulfate. Mix the solution until the salt is completely dissolved.

b. Chloroform, c. p. or equivalent.

c. Methanol, specification 1–6A1–1 or equivalent.

d. Sodium 2,4–dichlorophenoxyethyl sulfate, recrystallized from methanol, 98.0 percent by weight, minimum.

e. Chlorosulfonic acid, Monsanto concentrated reagent grade. *Chlorosulfonic acid is a hazardous chemical and may cause severe burns or violent reaction on contact with water Do not pour chlorosulfonic acid in the sink.*

f. Chlorosulfonic acid reagent. Pipet 3 milliliters of chlorosulfonic acid into a 100–milliliter volumetric flask containing a few milliliters of chloroform and dilute to the mark with additional chloroform. Prepare a fresh solution daily.

g. 2,4-Dichlorophenoxyethanol, 98.0 percent minimum hydroxyl value by acetylation with acetic anhydride.

6. *Sodium 2,4-dichlorophenoxyethyl sulfate procedure*—a. *Procedure.* Transfer a 75-milliliter aliquot of each filtered extract from 4 g into respective 250-milliliter separatory funnels and add 100 milliliters of chloroform from a graduate.

b. Into an additional separatory funnel introduce 75 milliliters of distilled water and 100 milliliters of chloroform, and reserve as a blank on the reagents.

c. Shake the contents of the separatory funnels for several seconds and allow to separate into two distinct layers.

d. Draw off the lower layers and filter through Whatman No. 1 filter paper into separate wide-mouth pressure bottles and reserve for the hydrolysis-products determination as described in 7. Before each analysis the bottles should be thoroughly washed with cleaning solution and dried with acetone.

e. From a graduate add 50 milliliters of chloroform and 25 milliliters of methylene blue chloride solution to the remaining aqueous phase.

f. Shake the contents of each funnel and allow the layers to separate and stand at room temperature for 15 minutes.

g. Draw off the lower layers into separate 125-milliliter glass-stoppered Erlenmeyer flasks.

h. Transfer a portion of the blank and sample to the respective cells of a Beckman Model B spectrophotometer and obtain an optical density for the sample at a wavelength of 650 mμ based on a reading of 0 for the blank of the reagents (see 6 b) For a complete description of the instrument and its operation, refer to the current Beckman Bulletin; Instruction Manual for the Beckman Model B Spectrophotometer.

i. From a previously prepared calibration curve read the milligrams of sodium 2,4-dichlorophenoxyethyl sulfate corresponding to the optical density.

j. *Calibration curve.* Dissolve exactly 0.200 gram of the recrystallized sodium 2,4-dichlorophenoxyethyl sulfate in a 1,000-milliliter volumetric flask containing 100 milliliters of distilled water, and dilute to the mark with additional water.

k. Introduce 1, 2, 5, 10, and 20-milliliter aliquots of the dilution into respective 100-milliliter volumetric flasks and dilute to the mark with distilled water.

l. Obtain the optical density of each standard, using a 5-milliliter aliquot as the sample, and 5 milliliters of distilled water as a blank, following the procedure described in 6 e to i, inclusive. These amounts correspond to 0.01, 0.02, 0.05, 0.10, and 0.20 milligram of sodium 2,4-dichlorophenoxyethyl sulfate.

m. Pilot a calibration curve of optical density against milligrams of sulfate, using the values obtained above. The calibration absorption for 0.1 milligram is approximately 0.35 unit of optical density.

n. *Calculation.*

$$\frac{A \times 2000}{\text{grams of sample}} = \text{sodium 2,4-dichlorophenoxyethyl sulfate, parts per million.}$$

A = sodium 2,4-dichlorophenoxyethyl sulfate, milligram from calibration curve.

If an optical density is obtained for the control or untreated plant material, an average of the optical densities for three blank determinations should be subtracted from each sample optical density.

7. *Sodium 2,4-dichlorophenoxyethyl sulfate hydrolysis products procedure*—a. *Procedure.* Carefully evaporate each of the chloroform extracts from 6 d to 10 milliliters ± 1 milliliter on a suitable steam bath. Do not evaporate to dryness. Care must be exercised to prevent moisture from coming into contact with the sample.

b. Remove the bottles from the bath and allow the remaining chloroform extract to cool. Into each bottle introduce 10 milliliters of the chloroform-chlorosulfonic acid reagent, swirl vigorously, and allow to stand for 2 minutes. When the extraction solution is colored, it is imperative that both sample and blank stand for exactly the same length of time.

c. Add 25 milliliters of water to each bottle, swirl vigorously and transfer the contents of each bottle into separate 250-milliliter separatory funnels. Wash each bottle with 10 milliliters of water, collecting the rinsings in the respective funnels.

d. Stopper each funnel and shake several times, venting the funnel after each agitation. In the case of dark-colored solutions, vigorous agitation will cause an emulsion to form and, consequently, a poor separation.

e. Allow each solution to stand for 10 minutes or until a clear separation of the two layers is effected. Discard the lower or chloroform layer and filter the upper or water layer through Whatman No. 1 filter paper into a clean separatory funnel containing 50 milliliters of chloroform and 25 milliliters of the methylene blue chloride solution.

f. Shake the contents of each funnel and allow the layers to separate and stand at room temperature for 15 minutes.

g. Draw off the lower layer into a convenient vessel and transfer a portion of the blank and sample to the respective cells of a Beckman Model B spectrophotometer. Obtain an optical density for the sample at a wavelength of 650 mμ based on a reading of 0 for a blank of the reagents.

h. From a previously prepared calibration curve, read the total milligrams of 2,4-dichlorophenoxyethanol and 2,4-dichlorophenol as 2,4-dichlorophenoxyethanol corresponding to the optical density.

i. *Calibration curve.* Transfer exactly 0.200 gram of pure 2,4-dichlorophenoxyethanol to a 1,000-milliliter volumetric flask containing 100 milliliters of c. p. chloroform. Swirl to effect solution and dilute to the mark with aditional chloroform.

j. Introduce 1, 2, 5, 10, and 20-milliliter aliquots of the dilution into respective 100-milliliter volumetric flasks and dilute to the mark with chloroform.

k. Obtain the optical density of each standard, using a 10-milliliter aliquot as the sample, and 10 milliliters of c. p. chloroform as a blank, following the procedure described in 7b to h, inclusive. These amounts correspond to 0.02, 0.04, 0.10, 0.20, and 0.40 milligram of pure 2,4-dichlorophenoxyethanol.

l. Plot a calibration curve of optical density against milligrams of 2,4-dichlorophenoxyethanol, using the values obtained above. The calibration absorption for 0.1 milligram is approximately 0.150 unit of optical density.

m. *Calculation.*

$$\frac{A \times 2000}{\text{grams of sample}} = \text{Total 2,4-dichlorophenol and 2,4-dichlorophenoxyethanol, parts per million.}$$

A = 2,4-dichlorophenoxyethanol, milligram from calibration curve.

If an optical density is obtained for the control or untreated plant material, an average of the optical densities for three blank determinations should be subtracted from each sample optical density.

Dated. February 1, 1955.

[SEAL] GEO. P LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55–1051; Filed, Feb. 3, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

SEMI-ANNUAL REPORTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt

a new Form 9–K (17 CFR 249.309) and related Rules X-13A–13 and X-15D–13 (§§ 240.13a–13 and 240.15d–13) to provide for semi-annual reports to the Commission under the Securities Exchange Act of 1934. The action would be taken pursuant to the Securities Exchange Act of 1934, particularly sections 3 (b) 13 (a) 15 (d) and 23 (a) thereof.

The proposed report would be filed only once a year, 45 days after the end of the first half of the fiscal year. The report would contain specified information with respect to sales and gross revenues, net income before and after taxes, extraordinary and special items, and charges and credits to earned surplus. It would not require a formal statement of profit and loss and earned surplus, and need not be certified. Any necessary limitations could be stated, and registrants issuing semiannual statements containing the information called for by the form could file such statements as an exhibit and incorporate them by reference thereto.

Commencing in 1945, the Commission required quarterly reports of net sales and unfilled orders from certain companies having war business. In March 1946 and in December 1948, quarterly reporting requirements as to sales and revenues were made applicable to other registrants subject to the reporting requirements of section 13 and section 15, with specified exemptions.

When the general quarterly reporting program was established in 1946, the Commission recognized that more complete information might be desirable, but believed that the quarterly sales and revenue reports would furnish useful data, particularly in connection with the progress of registrants in reconverting from wartime conditions. In October 1952, the Commission proposed revised rules calling for quarterly statements of profit and loss and earned surplus. These rules were not adopted and about a year later the requirement of quarterly reports of sales and revenues was discontinued.

The Commission has further reviewed the question of interim reporting and believes that consideration should be given to requiring reports of certain significant information more frequently than annually. It recognizes that preparing profit and loss statements on a quarterly basis may present problems for some issuers and accordingly the proposed report would not constitute a formal profit and loss statement and would be filed on a semi-annual basis. In view of the fact that interim earnings figures can frequently be arrived at only by the use of reasonable estimates or on the basis of certain assumptions, the proposal provides that reports of such information would not be subject to liability under section 18 of the act. The report would be subject to section 32 (a) of the act, which provides criminal penalties for wilfully and knowingly making false or misleading statements with respect to any material fact.

The text of the proposed rules is as follows:

§ 240.13a–13. *Semi-annual reports on Form 9–K.*[1] (a) Every issuer of a security registered on a national securities exchange which is required to file annual reports on Form 10–K (§ 249.310 of this chapter) or Form U5S (§ 259.5s of this chapter) or which is required to file a report on one of such forms as Part II of Form 16–K or Form 19–K (§ 249.316 or § 249.319 of this chapter) shall file a semi-annual report on Form 9–K (§ 249.309 of this chapter) for the first half of each fiscal year ending after the close of the latest fiscal year for which financial statements of such issuer were filed in an application for registration of securities on a national securities exchange: *Provided, however* That no such report need be filed for any semi-annual period ending prior to May 31, 1955.

(b) Such reports on Form 9–K shall be filed not more than 45 days after the end of the fiscal period for which they are filed. However, the report for any fiscal period ending prior to the date on which a class of security of the issuer first becomes effectively registered on a national securities exchange may be filed not more than 45 days after the effective date of such registration.

(c) Notwithstanding paragraph (a) of this section, semi-annual reports on Form 9–K shall not be required to be filed by the following types of issuers;

(1) Banks and bank holding companies;

(2) Investment companies;

(3) Insurance companies, other than title insurance;

(4) Public utilities and common carriers which file financial reports with the Federal Power Commission, Federal Communications Commission or the Interstate Commerce Commission;

(5) Companies engaged in the seasonal production and seasonal sale of a single-crop agricultural commodity·

(6) Companies in the promotional or development stage to which paragraph (b) or (c) of § 210.5a–01 of this chapter (Rule 5A–01) of Article 5A of Regulation S–X is applicable;

(7) Foreign issuers other than private issuers domiciled in a North American Country or Cuba.

(d) Notwithstanding the foregoing paragraphs of this section, reports pursuant to this section on Form 9–K shall not be deemed to be "filed" for the purpose of section 18 of the act or otherwise subject to the liabilities of that section.

§ 240.15d–13 *Semi-annual reports on Form 9–K.* (a) Every issuer which, by reason of an undertaking contained in a registration statement under the Securities Act of 1933, is required to file annual reports on Form 10–K or Form U5S (§ 249.310 or § 259.5s of this chapter) shall file a semi-anual report on Form 9–K (§ 249.309 of this chapter) for the first half of each fiscal year ending after the close of the latest fiscal year for which financial statements of such issuer were filed in a registration statement under the Securities Act of 1933: *Provided, however* That no such report need be filed for any semi-annual period ending prior to May 31, 1955.

(b) Such reports on Form 9–K shall be filed not more than 45 days after the end of the fiscal period for which they are filed. However, the report for any fiscal period ending prior to the effective date of the registration statement, unless the issuer was subject to this section prior to such date, may be filed not more than 45 days after the effective date of the registration statement.

(c) Notwithstanding paragraph (a) of this section, semi-annual reports on Form 9–K shall not be required to be filed by the following types of issuers;

(1) Banks and bank holding companies;

(2) Investment companies;

(3) Insurance companies, other than title insurance;

(4) Public utilities and common carriers which file financial reports with the Federal Power Commission, Federal Communications Commission or the Interstate Commerce Commission;

(5) Companies engaged in the seasonal production of seasonal sale of a single-crop agricultural commodity·

(6) Companies in the promotional or development stage to which paragraph (b) or (c) of § 210.5a–01 of this chapter (Rule 5A–01) of Article 5A of Regulations S–X is applicable;

(7) Foreign issuers other than private issuers domiciled in a North American Country or Cuba.

(d) Notwithstanding the foregoing paragraphs of this section, reports pursuant to this section on Form 9–K shall not be deemed to be "filed" for the purpose of section 18 of the act or otherwise subject to the liabilities of that section.

All interested persons are invited to submit views and comments on the above mentioned proposal in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before February 28, 1955. Unless the person submitting such comments requests in writing that they be held confidential, they will be public records, available for public inspection.

Notice is also given that a public hearing will be held on the above proposal at the Commission's offices, 425 Second Street NW., Washington 25, D. C., on March 9, 1955, at 10:00 a. m.

Any person interested in presenting his views at the public hearing should, not later than February 28, 1955, submit to the Commission in writing a statement of his intention to appear at the hearing. It is urged that persons desiring to be heard at the public hearing file a written statement of their views and comments within the time prescribed above for such written comments and limit their request for time to make oral presentation so as to provide an opportunity for all interested persons to be heard.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 25, 1955.

[1] A copy of the proposed form was filed as part of the original document.

[F. R. Doc. 55–1019; Filed, Feb. 3, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53724]

INTERPRETATION OF TERMS "USUAL GENERAL EXPENSES" AND "PROFIT" IN ANTIDUMPING ACT OF 1921

The United States Court of Customs and Patent Appeals has held (C. A. D. 511) that, in determining the "profit which ordinarily is added" in computing cost of production (section 402 (f) Tariff Act of 1930) such profit is that realized in the class of sales in which the greatest aggregate quantity of the merchandise was sold, not the profit realized in the greatest number of sales or the average profit made on all sales.

Since the language of section 402 (f) (4) Tariff Act of 1930, is substantially the same as that in section 206 (4) of the Antidumping Act, the next to last paragraph of Treasury Decision 48860 is amended by deleting the second and third sentences and substituting therefor the following: "The addition for profit contemplated by paragraph 4 of section 206 is the profit that is realized in the class of sales [1] in which the greatest aggregate quantity of the merchandise was sold during a period which is representative in the trade." [2]

Customs Information Exchange Circular 94/50, dated March 3, 1950, and T. D. 52453/3 are hereby superseded.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: January 28, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F R. Doc. 55-1060; Filed, Feb. 3, 1955; 8:52 a. m.]

Fiscal Service, Bureau of the Public Debt

[1955 Dept. Circ. 954]

1⅝ PERCENT TREASURY NOTES OF SERIES A-1956

OFFERING OF NOTES

FEBRUARY 1, 1955.

I. *Offering of notes.* 1. The Secretary of the Treasury pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for notes of the United States, designated 1⅝ percent Treasury Notes of Series A-1956, in exchange for which any of the following listed securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered.

1⅝ percent Treasury Certificates of Indebtedness of Series A-1955, maturing February 15, 1955.

1½ percent Treasury Notes of Series A-1955, maturing March 15, 1955.

2⅞ percent Treasury Bonds of 1955-60, called for redemption on March 15, 1955.

Exchanges will be made at par with an adjustment of interest as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of the securities of the three issues enumerated above tendered in exchange and accepted. The books will be open only on February 1 through February 3 for the receipt of subscriptions for this issue.

II. *Description of notes.* 1. The notes will be dated February 15, 1955, and will bear interest from that date at the rate of 1⅝ percent per annum, payable on a semiannual basis on September 15, 1955, and March 15, 1956. They will mature March 15, 1956, and will not be subject to call for redemption prior to maturity

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for, and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before February 15, 1955, or on later allotment, and may be made only in the securities of the three issues enumerated in section I hereof, which will be accepted at par, and should accompany the subscription. The full year's interest on the certificates of Series A-1955 will be paid by payment of the February 15, 1955 coupons, which should be detached by holders before presentation of the certificates. In the case of the notes of Series A-1955, coupons dated March 15, 1955, must be attached to the notes when surrendered and accrued interest from September 15, 1954, to February 15, 1955 ($6.33978 per $1,000) will be paid following acceptance of the notes. In the case of Treasury Bonds of 1955-60 in coupon form, coupons dated March 15, 1955, and all subsequent coupons must be attached to the bonds when surrendered. Accrued interest from September 15, 1954, to March 15, 1955 ($14.375 per $1,000) will be credited, accrued interest on the new notes from February 15 to March 15 ($1.25691 per $1,000) will be charged, and the difference ($13.11809 per $1,000) will be paid to the subscribers following acceptance of coupon bonds and in the case of registered bonds following discharge of registration.

V *Assignment of registered bonds.* 1. Treasury bonds of 1955-60 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for 1⅝ percent Notes of Series A-1956 to be delivered to _____," in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F R. Doc. 55-1063; Filed, Feb. 3, 1955; 8:53 a. m.]

[1955 Dept. Cir. 955]

2 PERCENT TREASURY NOTES OF SERIES C-1957

OFFERING OF NOTES

FEBRUARY 1, 1955.

I. *Offering of notes.* 1. The Secretary of the Treasury pursuant to the author-

[1] "Class of sales" may be divided on the basis of geographical areas (T. D. 46114, R. D. 6282, R. D. 7830; C. A. D. 462) or by class of purchasers, without regard to geographical areas (C. A. D. 511) depending on the circumstances.

R. Ds. 6282, 7830, 8194; C. A. Ds. 252, 511.

ity of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for notes of the United States, designated 2 percent Treasury Notes of Series C–1957, in exchange for which any of the following listed securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered.

1⅝ percent Treasury Certificates of Indebtedness of Series A–1955, maturing February 15, 1955.

1½ percent Treasury Notes of Series A–1955, maturing March 15, 1955.

Exchanges will be made at par with an adjustment of interest as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of the securities of the two issues enumerated above tendered in exchange and accepted. The books will be open only on February 1 through February 3 for the receipt of subscriptions for this issue.

II. *Description of notes.* 1. The notes will be dated February 15, 1955, and will bear interest from that date at the rate of 2 percent per annum, payable semi-annually on August 15, 1955 and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1957, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift of other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before February 15, 1955, or on later allotment, and may be made only in the securities of the two issues enumerated in section I hereof, which will be accepted at par, and should accompany the subscription. The full year's interest on the certificates of Series A–1955 will be paid by payment of the February 15, 1955, coupons, which should be detached by holders before presentation of the certificates. In the case of the notes of Series A–1955, coupons dated March 15, 1955, must be attached to the notes when surrendered and accrued interest from September 15, 1954, to February 15, 1955 ($6.33978 per $1,000) will be paid following acceptance of the notes.

V *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F R. Doc. 55–1062; Filed, Feb. 3, 1955; 8:53 a. m.]

[1955 Dept. Circ. 956]

3 PERCENT TREASURY BONDS OF 1995

OFFERING OF BONDS

FEBRUARY 1, 1955.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par with an adjustment of accrued interest as of March 15, 1955, from the people of the United States for bonds of the United States, designated 3 percent Treasury Bonds of 1995, in exchange for 2⅞ percent Treasury Bonds of 1955–60, dated March 15, 1935, due March 15, 1960, called for redemption on March 15, 1955. The amount of the offering under this circular will be limited to the amount of Treasury Bonds of 1955–60 tendered in exchange and accepted. The books will be open only on February 1 through February 3 for the receipt of subscriptions for this issue.

II. *Description of bonds.* 1. The bonds will be dated February 15, 1955, and will bear interest from that date at the rate of 3 percent per annum, payable semi-annually on August 15, 1955, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1995, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at part and accrued interest to date of payment,[1] provided.

(a) That the bonds were actually owned by the decedent at the time of his death, and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and sworn to, and by proof of the representatives' authority in the

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from January 16 to February 15, and from July 16 to August 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing the United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before February 15, 1955, or on later allotment, and may be made only in Treasury Bonds of 1955–60, called for redemption March 15, 1955, which will be accepted at par, and should accompany the subscription. Coupons dated March 15, 1955, and all subsequent coupons must be attached to such bonds in coupon form when surrendered. Accrued interest from September 15, 1954, to March 15, 1955 ($14.375 per $1,000) will be credited, accrued interest on the new bonds from February 15 to March 15 ($2.32044 per $1,000) will be charged, and the difference ($12.05456 per $1,000) will be paid to the subscribers following acceptance of coupon bonds and in the case of registered bonds following discharge of registration.

V *Assignment of registered bonds.* 1. Treasury Bonds of 1955–60 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington. The bonds must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3 percent Treasury Bonds of 1995" if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3 percent Treasury Bonds of 1995 in the name of _____" if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3 percent Treasury Bonds of 1995 in coupon form to be delivered to _____"

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY
Secretary of the Treasury.

[F. R. Doc. 55–1061; Filed, Feb. 3, 1955; 8:52 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SETTLEMENT OF CLAIMS UNDER THE PROVISIONS OF THE FOREIGN CLAIMS ACTS OF JANUARY 2, 1942, OF JULY 3, 1943, AND OF AUGUST 31, 1954

Pursuant to the authority vested in me as the Secretary of Defense, any claims, whether Army Air Force, Navy or Marine Corps, which may be settled under the provisions of the Foreign Claims Act of January 2, 1942 (55 Stat. 880) as amended, or of the act of July 3, 1943 (57 Stat. 372) as amended, may be settled retroactively to August 1, 1953, by any Commission or Commissions appointed under the regulations of any of the above-mentioned services, without regard to the service of the military tort-feaser.

In addition, the authority vested in me under the provisions of the act of August 31, 1954 (68 Stat. 1006) is hereby delegated to the Secretaries of the Army Navy and Air Force.

Where a single service has been or may be assigned responsibility for claims in a particular country or area, all reimbursements, settlements or payments that may be made in such country or area under the above-cited acts shall be made solely by that service.

The document entitled "Settlement of Claims Under the Provisions of the Foreign Claims Act of January 2, 1942" published at 18 F R. 6247 is hereby superseded.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 55–1010; Filed, Feb. 3, 1955; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 193]

ITALIAN NOVA WORKS ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Nova Werke Zuerich, Officine e Rappresentanza per l'Italia S. P A. (Italian Nova Works) Via Zuretti, 5, Milan Italy· Antonio Sabbadini, Via Ferdinando di Savoia, 2, Milan, Italy· Leonardo De Giacomo, Via Zuretti, 5, Milan, Italy· Alberto Leonelli, Piazza della Republica, 27, Milan, Italy· respondents; Case No. 193.

The respondents, Nova Werke Zuerich, Officine e Rappresentanza per l'Italia S. p. A. (charged as Italian Nova Works) Antonio Sabbadini (charged as Antonio Sabatini) Leonardo De Giacomo, and Alberto Leonelli (charged as Alberto Lionelli) have been charged by the Director of the Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, in that, as alleged, (a) in the year 1949, they made or caused to be made false statements and representations to the Office of International Trade (now the Bureau of Foreign Commerce) in support of an application for a license to export a certain boring and turning mill from the United States to Italy, and made false statements and representations in defense of an administrative proceeding heretofore brought in 1950 against Italian Nova Works for the denial of export privileges upon the ground that false representations had been made to induce the issuance of said export license. The respondents were duly served with the charging letter, in which they have been fully informed of the charges against them and that the Director of the Investigation Staff has applied to reopen the 1950 administrative proceeding in which the original charges against Italian Nova Works had been dismissed in reliance on the representations of the respondents herein. The respondents have filed their answers and statements in opposition to the charges but have not demanded a formal hearing in the United States. This case has therefore been duly submitted to a Compliance Commissioner for hearing, report and recommendation. The Compliance Commissioner has heard the evidence, given consideration to the respondents' answers and statements in opposition thereto, filed his report herein, and made his recommendation. The undersigned Director of the Office of Export Supply has carefully considered the whole record, the report and the

recommendation and, after such consideration and upon the whole record:

It is hereby ordered, That Case No. 109, In re Satis et al., be and the same hereby is reopened and the order in that case (16 F R. 10088, October 3, 1951) to the extent that it dismisses the charges against respondent Italian Nova Works be and the same hereby is vacated; and I hereby make the following:

Findings of fact. 1. That at all times hereinafter mentioned, the individual respondents Antonio Sabbadini, Leonard De Giacomo and Alberto Leonelli, were officers or agents of either Nova Werks Zuerich Rappresentanza Generale Per L'Italia or Nova Werk Zuerich Officine per l'Italia, S. p. A. (both hereinafter referred to as the corporate respondent) that the statements and representations hereinafter found to have been made by them were made on behalf of and in the course of the business of said companies or one of them, and that said companies have been amalgamated and merged into Nova Werke Zuerich, Officine e Rappresentanza per l'Italia, S. p. A., (also hereinafter described as the corporate respondent)

2. That for the purpose of supporting an application for a license to export to Italy a boring and turning mill, valued at approximately $118,000, respondents stated and represented, with the intention that such statements and representations be made known to the Office of International Trade, now the Bureau of Foreign Commerce, that said boring and turning mill had been purchased by the corporate respondent and that it would use it in its factory in Italy for finishing rough pistons for domestic sale in Italy.

3. That on November 21, 1949, the Office of International Trade, relying on said statements and representations, granted the application sought, the boring and turning mill was thereupon exported from the United States under the authority of the license so issued and, upon arrival in Europe, was never received by the corporate respondent but was diverted and transshipped by others to Hungary (Case No. 109, In re Satis et al., 16 F R. 10088, October 3, 1951)

4. That because of the diversion and transshipment of said boring and turning mill to Hungary and the failure to deliver it to Italy, the country for which the exportation thereof had been licensed, the Office of International Trade on March 1, 1950, commenced an administrative proceeding for revocation of export privileges in which proceeding it was charged that respondent Italian Nova Works and others had made false representations to induce the issuance of the export license;

5. That during the pendency of that proceeding and in defense of the charges therein made, all the respondents herein made additional statements and representations, and submitted further and more explicit evidence to the effect that said boring and turning mill had actually been purchased by the corporate respondent for use in one of its factories in Italy to produce automobile parts to be distributed in Italy.

6. That by reason of such additional statements, representations and evidence, the Compliance Commissioner to whom that case was referred, concluded that the said mill had been purchased by the corporate respondent for use in a factory in Italy and the charges then pending against respondent Italian Nova Works were dismissed, (Case No. 109, in re Satis, et al, 16 F R. 10088, October 3, 1951)

7. Thereafter, and during the pendency of an appeal by other respondents who had been found in violation in that case, information came to the attention of the Director of the Investigation Staff, which information caused him to believe that the charges originally made against Italian Nova Works were well founded and that the defenses and evidence submitted by the company and the individual respondents herein on its behalf in opposition to such charges were, in fact, false; and this proceeding was thereafter commenced for the purpose of reopening the original case and alleging additional charges that the company and individual respondents had made false statements and representations to the Office of International Trade in defense of the charges made in the original case;

8. That the statements and representations made by respondents and each of them, prior to, during and after the proceeding in which the export license for the boring and turning mill was issued and the statements, representations and evidence made and given by them in defense of the charges made against Italian Nova Works in the administrative proceeding commenced March 1, 1950, were false and untrue in that, in fact, the corporate respondent had not purchased the boring and turning mill and had not intended to use it in a factory in Italy for finishing rough pistons for domestic sale in Italy.

And from the foregoing I have concluded that all the respondents did make false statements and representations to the Office of International Trade in support of the application for license to export the boring and turning mill and that all the respondents made false statements in defense of and in opposition to the charges made in the case commenced March 1, 1950, all in violation of § 381.1 of the export control regulations then in effect.

The Compliance Commissioner stated in his report that in connection with the making of his recommendation, he took into consideration the action taken in the Satis case, the lesser roles of Leonelli and De Giacomo, the fact that Sabbadini seems to have been the prime actor, the possibility that Sabbadini, although using the Nova Works name and reputation, as he had been authorized at least by public "holding out" might have done what he did here to further his own personal ends, the present corporate structure of Nova Works, the additional, unusual fact of the false testimony in defense of the case commenced by the March 1, 1950 charging letter, and the fact that the boring and turning mill was ultimately delivered to Hungary. The recommendation of the Compliance Commissioner, upon the facts and circumstances appearing in the record, appears to be fair, reasonable, and necessary to achieve effective enforcement of the export control law, and it is accordingly adopted.

It is now, therefore, ordered.

I. All outstanding validated export licenses in which or with respect to which respondents Nova Werke Zuerich, Officine e Rappresentanza per L'Italia S. p. A., Antonio Sabbadini, Leonardo De Giacomo, and Alberto Leonelli, and any person or firm with which they or any of them may be now or hereafter related by ownership, control, position of responsibility or other connection in the conduct of trade involving exports from the United States, or services connected therewith, appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Nova Werke Zuerich, Officine e Rappresentanza per l'Italia S. p. A., Antonio Sabbadini, Leonardo De Giacomo and Alberto Leonelli, and all persons and firms acting in their behalf or for their account in matters relating to the exportation of commodities from the United States or services connected therewith, are hereby denied all privileges of participating, directly or indirectly, in any manner, form or capacity in an exportation of any commodity from the United States to any foreign destination. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' or firms' participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, storing, processing, disposing, or other servicing, in any foreign country of any commodities in whole or in part exported or to be exported from the United States during the term of this order, and (d) in the financing, forwarding, transporting, processing, or other servicing of exports from the United States;

III. Such denial of export privileges shall apply not only to the respondents herein and the other persons and firms within the scope of Parts I and II hereof, but shall apply and extend also to any other person, firm, corporation, or other business organization with which said respondents, or any of them, may be now or hereafter related by ownership, control, position of responsibility or other connection in the conduct of trade involving exports from the United States or services connected therewith, excepting, however, that nothing in this part shall be deemed to include within its scope Nova Werke Junker and Ferber of Zuerich, Trione Ricambi Company G. Trione & c. Company and Trione Ferroleghe Company, upon the condition, however, that none of the last named firms shall do or perform any act which

shall be or may be calculated to be an evasion or avoidance of the effect or purpose of this order as it applies to the respondents and other persons or firms subject hereto.

IV This order shall be effective from the date hereof and, as to the respondent Sabbadini, shall extend for a period of two years from the date hereof, as to the respondents Leonelli and DeGiacomo for a period of one year from the date hereof and, as to the respondent Nova Werke Zuerich, Officine e Rappresentanze per l'Italia S. p. A. for a period of six months from the date hereof, and

V No person, firm, corporation, or other business organization, whether in the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form or capacity, (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to an exportation of commodities from the United States, or (b) order, receive, buy, use, process, dispose of, finance, transport, forward, store, or otherwise service or participate in an exportation from the United States, with respect to which any of the respondents herein or any person or firm not excluded from the scope of Part III hereof have any interest or participation of any kind or nature, direct or indirect.

Dated: January 31, 1955.

JOHN C. BORTON,
Director
Office of Export Supply.

[F R. Doc. 55-1024; Filed, Feb. 3, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5737 et al.]

TRANS WORLD AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC., LONDON/FRANKFURT-ROME SERVICE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Trans World Airlines, Inc., and Pan American World Airways, Inc., pursuant to Economic Regulations Part 203 for changes in their approved service plans, and Pan American's Docket No. 6624 as consolidated by Board Order No. E-8917.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 15, 1955, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 1, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F. R. Doc. 55-1057; Filed, Feb. 3, 1955; 8:52 a. m.]

[Docket No. 6630]

PAN AMERICAN-GRACE AIRWAYS, INC., ET AL., INTERNATIONAL SERVICE RATE CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of service mail rates for Pan American-Grace Airways, Inc., over its entire system, Braniff Airways, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., and Trans World Airlines, Inc., over their foreign and overseas routes; and Pan American World Airways, Inc., over its entire system, exclusive of Alaskan routes.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on February 28, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., February 1, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F R. Doc. 55-1058; Filed, Feb. 3, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6589]

DUKE POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JANUARY 28, 1955.

Notice is hereby given that on December 23, 1954, the Federal Power Commission issued its order adopted December 20, 1954, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1015; Filed, Feb. 3, 1955; 8:46 a. m.]

[Docket No. E-6594]

PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION OF SECURITIES

JANUARY 28, 1955.

Notice is hereby given that on December 23, 1954, the Federal Power Commission issued its order adopted December 20, 1954, authorizing and approving acquisition of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1016; Filed, Feb. 3, 1955; 8:46 a. m.]

[Docket Nos. G-1705, G-1813, G-1937, G-2023, G-2057, G-2433, G-2475, G-2932, G-3159]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER GRANTING TEMPORARY AUTHORIZATION TO OPERATE FACILITIES

JANUARY 28, 1955.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1705, G-1937, G-2433, G-2475 Indiana Gas & Water Company, Inc., Docket No. G-1813, Indiana Gas & Water Company, Inc., v. Panhandle Eastern Pipe Line Company, Docket No. G-2023; Missouri Public Service Company Docket No. G-2057 City of Montgomery, Missouri, Docket No. G-2932; Town Gas Company of Illinois, Docket No. G-3159.

Notice is hereby given that on December 22, 1954, the Federal Power Commission issued its order adopted December 21, 1954, in the above-entitled matters, granting temporary authorization to operate facilities in Docket No. G-2433.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-1018; Filed, Feb. 3, 1955; 8:47 a. m.]

[Docket Nos. G-1705, G-1813, G-1937, G-2023, G-2057, G-2433, G-2475, G-2932, G-3159]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER DISMISSING CERTAIN PROCEEDINGS AND PERMITTING WITHDRAWAL OF PLEADINGS

JANUARY 28, 1955.

In the matters of Panhandle Eastern Pipe Line Company Docket Nos. G-1705, G-1937, G-2433, G-2475; Indiana Gas & Water Company Inc., Docket No. G-1813; Indiana Gas & Water Company, Inc., *v.* Panhandle Eastern Pipe Line Company, Docket No. G-2023; Missouri Public Service Company, Docket No. G-2057, City of Montgomery, Missouri, Docket No. G-2932; Town Gas Company of Illinois, Docket No. G-3159.

Notice is hereby given that on December 22, 1954, the Federal Power Commission issued its order adopted December 21, 1954, in the above-entitled matters, dismissing certain proceedings and permitting the withdrawal of pleadings in Docket Nos. G-1813 and G-2023.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1017; Filed, Feb. 3, 1955; 8:46 a. m.]

[Docket No. G-2493]

CITIES SERVICE GAS CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

Cities Service Gas Company (Applicant) filed an application on July 19, 1954, as supplemented on October 22, 1954, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale of natural gas in interstate commerce. In the same application, Applicant requested authority to abandon certain other facilities subject to the jurisdiction of the Commission. Applicant requested disposition of the proceedings under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Due notice was given of the filing of the application, including publication in

the FEDERAL REGISTER on August 7, 1954 (19 F R. 5009) By order issued September 2, 1954, the Commission permitted the joint intervention of National Coal Association, United Mine Workers of America, and Fuels Research Council, Inc.

The Commission finds: This proceeding is not a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request that this proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure be and the same hereby is denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on February 24, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Adopted: January 26, 1955.

Issued: January 28, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-1013; Filed, Feb. 3, 1955; 8:45 a. m.]

[Docket Nos. G-2757, G-2863, G-3010, G-3145, G-3146, G-3147, G-3022, G-3032, G-3052, G-3053, G-3054, G-3124, G-3125, G-3126, G-3202, G-3133]

KERR-MCGEE OIL INDUSTRIES, INC., ET AL.

NOTICE OF FINDINGS AND ORDERS

JANUARY 31, 1955.

In the matters of Kerr-McGee Oil Industries, Inc., Docket No. G-2757 Kindred Gas Company Docket No. G-2863 Texas Gulf Producing Company Docket Nos. G-3010, G-3145, G-3146, G-3147 Ray Stephens, Inc., Docket No. G-3022; Ashland Oil & Refining Company Docket No. G-3032; Dee Forehand, Docket No. G-3052; J. M. Kessler, Docket No. G-3053; Flint Rock Gas & Oil Company Docket No. G-3054 W H. Satterfield, Docket Nos. G-3124, G-3125, G-3126 and G-3202; Rudco Oil and Gas Company Rock Hill Oil Company Billy Bridewell, John Kraker, Jack Price and Will Y. Lancaster, Docket No. G-3133.

Notice is hereby given that on December 30, 1954, the Federal Power Commission issued its findings and orders adopted December 22, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-1031; Filed, Feb. 3, 1955; 8:49 a. m.]

[Docket Nos. G-3135, G-3137, G-3138, G-3139, G-3149, G-3153, G-3157, G-3181, G-3184, G-3185, G-3262, G-3572]

JOHNSON OIL AND GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JANUARY 31, 1955.

In the matters of Johnston Oil and Gas Company, Docket Nos. G-3135, G-3137, G-3138, G-3139; Sinking Creek Oil & Gas Company Docket No. G-3149 Joe A. Worsham, Docket No. G-3153 Laurence Corbett Kelly Docket No. G-3157 J. D. Wrather, Jr., Docket No. G-3181, John T. Hemenway Docket No. G-3184, C. A. Hilburn, et al., Docket No. G-3185 C. F Engel, Agent, Docket No. G-3262; Westates Petroleum Corporation, Docket No. G-3572.

Notice is hereby given that on December 30, 1954, the Federal Power Commission issued its findings and orders adopted December 22, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-1032; Filed, Feb. 3, 1955; 8:50 a. m.]

[Docket Nos. G-3035, G-3036, G-3037]

LAMONT OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 31, 1955.

In the matters of Lamont Oil Company, Docket No. G-3035 Lamont Murphy Oil Company, Docket No. G-3036 Elmer E. Smathers Estate, Northern Oil Co. Division, Docket No. G-3037.

Take notice that Lamont Oil Company (Applicant in Docket No. G-3035, herein termed Lamont) Lamont Murphy Oil Company (Applicant in Docket No. G-3036, herein termed Lamont Murphy) and Elmer E. Smathers Estate, Northern Oil Co. Division (Applicant in Docket No. G-3037, herein termed Smathers) whose address is De Young, Pennsylvania, filed on September 24, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Lamont and Lamont Murphy sell natural gas produced in Elk County Pennsylvania to Pennsylvania Gas Company which resells the gas in interstate commerce.

Smathers sells natural gas produced in Elk County Pennsylvania to Pennsylvania Gas Company United Natural Gas Company and Manufacturers Gas Company (The Manufacturers Light and Heat Company) which resell the gas in interstate commerce.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 23, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-1029; Filed, Feb. 3, 1955; 8:49 a. m.]

[Docket No. G-4175]

MCCARRICK OIL CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 31, 1955.

In the matters of McCarrick Oil Company Morris Gouger, P J. La Mantia, T. A. La Mantia and James C. Freeman, Docket No. G-4175.

Take notice that McCarrick Oil Company, Morris Gouger, P J. La Mantia, T. A. La Mantia and James C. Freeman (Applicants) whose address is 505 Alamo National Building, San Antonio, Texas, filed on October 5, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants sell natural gas, produced from the James Sullivan Unit, East Maxine Field, Live Oak County Texas, to Texas Illinois Natural Gas Pipeline Company The delivery point is at the Goliad Corporation gas processing plant in Live Oak County Texas. Texas Illinois Natural Gas Pipeline Company resells the gas in interstate commerce.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 25, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-1030; Filed, Feb. 3, 1955; 8:49 a. m.]

[Docket No. G-8288]

SUN OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sun Oil Company on December 29, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective Date [1]
Notice of change, dated Dec. 27, 1954.	Transcontinental Gas Pipe Line Corp.	Supplement No. 17 to FPC gas rate schedule No. 44.	Feb. 1, 1955
Letter dated Dec. 22, 1954	do	Supplement No. 1 to supplement No. 17 to FPC gas rate schedule No. 44.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further notice of the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred until March 1, 1955, and for such further time until they are made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: January 26, 1955.

Issued. January 28, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1014; Filed, Feb. 3, 1955; 8:46 a. m.]

[Docket Nos. IT-5971, IT-6056, E-6337, E-6340, E-6600]

DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES

JANUARY 28, 1955.

Notice is hereby given that the United States Department of the Interior on behalf of the Southwestern Power Administration has filed with the Federal Power Commission for confirmation and approval for a period of five years pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887) the schedule of rates and charges for the sale of energy sold by Southwestern Power Administration, which in summary are as follows:

Wholesale Schedule "A" available for firm power service to any customer in SWPA's territory contracting for a specific number of kilowatts. The proposed monthly rates are briefly:

Demand charge: $0.65 per kw of billing demand.

Energy charge: 4.5 mills per kwh for first 150 kwh per kw of demand. 6.0 mills per kwh additional.

Discount: 10 percent of total bill until Table Rock Project is in operation.

Wholesale Schedule "P.S." available to sales of hydro peaking power to any customer contracting for a specific number of kilowatts, and to accompanying energy up to 1,800 kwh per year per kw of demand. The proposed monthly rates are briefly:

Demand charge: $0.65 per kw.

Energy charge: 3.0 mills per kwh.

Discount: 15 percent of total bill until Table Rock Project is in operation.

Rate Schedule "E. C." available to wholesale power customers for the purchase of excess hydro capacity. The rate consists of a demand charge of $0.50 per kw per month, to be prorated if the capacity is not available for a full month. Rate Schedule "S. E." available to wholesale power customers for the purchase of supplemental hydro energy up to a total of 600 kwh in any one year per kw of dependable hydro peaking power. The rate is 3.0 mills per kwh. Rate Schedule "E. E." available to wholesale power customers for the purchase of secondary hydro energy. The rate is 1.5 mills per kwh.

In addition, an extension of the confirmation and approval for a period of five years is requested of the present rates and charges contained in the following electric service agreements:

(1) Agreement for the sale and/or exchange of electric power and energy between the United States of America and Texas Power & Light Company, dated April 4, 1947.

(2) Agreement for the sale and exchange of electric power and energy between the United States of America and the Southwestern Gas and Electric Company dated December 27, 1950.

Confirmation and approval is also requested of the rates and charges contained in an agreement between the United States of America and the Arkansas Power and Light Company dated August 20, 1954, providing for the delivery of the entire output of the Blakely Mountain Project to the Arkansas Power and Light Company and a delivery of 136,000,000 kilowatt-hours a year by the Company to the Government.

Anyone desiring to make representation with respect to the foregoing should submit the same on or before February 21, 1955, to the Federal Power Commission, Washington 25, D. C. The proposed rates and charges are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1011; Filed, Feb. 3, 1955; 8:45 a. m.]

[Projects Nos. 400, 734]

WESTERN COLORADO POWER CO.

NOTICE OF APPLICATIONS FOR AMENDMENT OF LICENSES

FEBRUARY 1, 1955.

Public notice is hereby given that applications have been filed under the Federal Power Act (16 U. S. C. 791a–825r) by The Western Colorado Power Company of Salt Lake City, Utah, for amendment of its license for Project No. 734 to exclude therefrom the 44-kv Tacoma-Durango transmission line, the 17-kv Des Ouray Mine tap line (portion extending from Sta. 33+31 to Sta. 162+34) and the 17-kv Lout Mine tap line—all formerly in San Juan County and La Plata County Colorado, and for amendment of its license for Project No. 400 to include therein the new 44-kv Tacoma-Durango transmission line constructed in 1954 in La Plata County,

Colorado, to replace the dismantled Tacoma-Durango line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last day upon which protests may be filed is March 14, 1955. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1028; Filed, Feb. 3, 1955; 8:49 a. m.]

[Project No. 2176]

ELK GROVE IRRIGATION DISTRICT

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JANUARY 28, 1955.

Public notice is hereby given that Elk Grove Irrigation District, of Elk Grove, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed waterpower Project No. 2176 to be located on the North, Middle, and South Forks of American River in El Dorado and Placer Counties, California, and to consist of the following four developments: (1) Big Bend Development, consisting of a concrete dam about 255 feet high on North Fork American River in the NW¼ of sec. 1, T. 13 N., R. 9 E., MDB&M, a reservoir with a gross capacity of 70,000 acre-feet and maximum water surface area of 570 acres at elevation 1045 and a tunnel about 2.6 miles long and 19 feet in diameter with a capacity of about 1500 cfs to convey water to Poverty Bar Reservoir. (2) Poverty Bar Development, consisting of a concrete dam about 390 feet high on Middle Fork American River in the NW¼ of sec. 35, T. 13 N., R. 9 E., MDB&M, a reservoir with a gross capacity of 340,000 acre-feet and maximum water surface area of 2,210 acres at elevation 1020 and a tunnel about 5.5 miles long and 27 feet in diameter with a capacity of about 3400 cfs to convey water to Marshall Reservoir. (3) Marshall Development, consisting of a concrete dam about 370 feet high on South Fork American River in the SW¼ of sec. 10, T. 11 N., R. 9 E., MDB&M, a reservoir with a gross capacity of 1,300,000 acre-feet and a maximum water surface area of 7,740 acres at elevation 1000; Coloma Powerhouse built integral with the dam with installed capacity of about 205,000 horsepower and operating between heads of 188 to 370 feet and designed for a head of 290 feet; and appurtenant mechanical and electrical facilities; and (4) Salmon Falls Development, consisting of a concrete dam about 180 feet high on South Fork American River in the SE¼ of sec. 30, T. 11 N., R. 9 E., MDB&M, a reservoir with gross capacity of 40,000 acre-feet and maximum water surface area of 620 acres at elevation 630 a powerhouse built integral with the dam with installed capacity of about 127,200 horsepower and designed to operate at a head of 180 feet; and appurtenant mechanical and electrical facilities. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is March 14, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1012; Filed, Feb. 3, 1955; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CATEGORIES OF EQUIPMENT HAVING SANITARY SIGNIFICANCE

NOTICE OF SCHEDULING FOR REVIEW

For the purposes of the Interstate Quarantine Regulations, Title 42, Part 72, adopted pursuant to the Public Health Service Act, P L. 410, 78th Congress as amended, notice is hereby given that the Public Health Service has scheduled for review the following categories of equipment having sanitary significance, used or intended to be used on interstate carriers, in their servicing areas, or in their catering establishments:

Railroad Coach Yard Watering Hydrants (frost proof type)
Thermal Canisters (including valves) and Tray and Casserole Carriers.

Dated. January 28, 1955.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved.

OVETA CULP HOBBY,
Secretary.

[F R. Doc. 55-1027; Filed, Feb. 3, 1955; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEPUTY URBAN RENEWAL COMMISSIONER ET AL.

DESIGNATION AND ORDER OF PRECEDENCE TO ACT AS URBAN RENEWAL COMMISSIONER

The officers appointed to the following listed positions in the Housing and Home Finance Agency (excluding persons designated to serve in an acting capacity) are hereby designated to act in the place and stead of the Urban Renewal Commissioner, with the title of "Acting Urban Renewal Commissioner" and with all the powers, rights, and duties assigned to the said Commissioner, in the event the Commissioner is unable to act by reason of his absence, illness, or other cause, provided that no officer shall serve in such acting capacity unless all other officers whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Deputy Urban Renewal Commissioner.
2. Director of Operations, Urban Renewal Administration;
3. Director of Technical Services, Urban Renewal Administration;
4. Associate General Counsel, Slum Clearance Branch, Division of Law.
5. Chief, Planning and Engineering Branch, Urban Renewal Administration.

All designations of Acting Urban Renewal Commissioner heretofore made by the Urban Renewal Commissioner are hereby ratified and approved; and all official acts performed pursuant to such designations are hereby ratified, confirmed, and approved in all respects as if such acts had been performed by the Urban Renewal Commissioner.

This order supersedes the order effective August 4, 1952 (17 F R. 7200, 8/7/1952) respecting this same subject.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948) as amended by 64 Stat. 80 (1950) 12 U. S. C., 1952 ed. 1701c)

Effective as of the 4th day of February 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator

[F R. Doc. 55-1052; Filed, Feb. 3, 1955; 8:51 a. m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK)

REDELEGATION OF AUTHORITY WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The Regional Director of Urban Renewal, Region I (New York) Housing and Home Finance Agency is hereby authorized within such Region to exercise all the authority delegated to me by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F R. 428, 1/19/1955) with respect to the program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U. S. C. 1450-1460) and under section 312 of the Housing Act of 1954 (68 Stat. 629) except those authorities which under paragraph 4 of such delegation may not be redelegated.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947) 62 Stat. 1283 (1948) as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c)

Effective as of the 24th day of January 1955.

CLARENCE R. KNICKMAN,
Regional Administrator Region I.

[F R. Doc. 55-1053; Filed, Feb. 3, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1670]

FAIRCHILD ENGINE & AIRPLANE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Boston Stock Exchange for Unlisted Trading Privileges in Fairchild Engine & Airplane Corporation, Common Stock, $1 Par Value, File No. 7-1670.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of January 1955.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of the Fairchild Engine & Airplane Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 16, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 55-1020; Filed, Feb. 3, 1955; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 31]

ALSIKE CLOVER SEED

NOTICE OF HEARING

On August 3, 1954, the Tariff Commission ordered that Investigation No. 31 under section 7 of the Trade Agreements Extension Act of 1951, as amended, and under section 332 of the Tariff Act of 1930, with respect to Alsike Clover Seed provided for in paragraph 763 of the Tariff Act of 1930, as modified be continued. As indicated in the public notice of continuation of this investigation (19 F R. 5067) the Commission has been directed by the President to report to him by May 2, 1955, whether the continuation beyond June 30, 1955 of the tariff quota imposed on alsike clover seed (19 F R. 4103) as a result of an investigation under section 7 of the Trade Agreement Extension Act of 1951, as amended, is necessary to prevent or remedy the serious injury to the domestic industry which was reported by the Commission to exist by reason of increased imports of alsike clover seed.

The Tariff Commission has ordered a public hearing on the subject of the stated purpose of the report requested by the President, to be held on March 10, 1955, beginning at 10 a. m., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C.

Request to appear at hearing. Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the above-mentioned hearing. Such parties desiring to appear at this hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of hearing.

By order of the United States Tariff Commission, this 31st day of January 1955.

Issued. February 1, 1955.

[SEAL] DONN N. BENT, *Secretary.*

[F R. Doc. 55-1055; Filed, Feb. 3, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

ADMISSION TO PRACTICE OF PERSONS WHO ARE NOT ATTORNEYS AT LAW

QUALIFICATION STANDARD, APPLICATION AND EXAMINATION

FEBRUARY 1, 1955.

In consideration of various questions arising in connection with the Commission's notice of December 1, 1954, said notice is revised to read as follows:

1. Effective May 1, 1955, the following standard must be met by non-lawyer applicants for admission to practice:

QUALIFICATION STANDARD

2. A minimum of two years of college plus technical education, training or experience which is regarded by the Commission as the equivalent of two additional years of college education in equipping the applicant for practice before the Commission, plus an examination sufficiently comprehensive to test the applicant as to his experience in the field of transportation and his knowledge of the principles of regulation, the laws governing it, the economic principles underlying it, the Commission's rules of practice and the Canons of Ethics of the Association of Interstate Commerce Commission Practitioners. In exceptional cases where study and training are shown to be the equivalent of the foregoing standards, an applicant may be admitted to the examination if he can sustain the burden of so proving. An order of the Commission shall be required in such exceptional cases.

3. The phrase "a minimum of two years of college" means the receipt of either 60 semester credits or approximately 1,000 scheduled class hours or periods for the successful completion of courses of study whether taken in residence or not. The word "college" means any educational institution authorized by law to confer the degree of Bachelor of Arts or of Science or an equivalent Bachelor degree, or a "Junior College" whose credits are accepted at full value by such "College."

APPLICATION

4. Upon the effective date of this notice, applicants' statements of college education must be supported by transcripts of record attached to the original of the application.

EXAMINATION

5. When an application meets the foregoing standard, a copy will be referred to a Regional Committee of the Association of Interstate Commerce Commission Practitioners for report to the Commission as to the general standing of the applicant. Inquiry also will be made of the sponsors as to their knowledge of the applicant's legal and technical qualifications as contemplated by the Commission's general rules of practice. If the applicant's standing is found to be good, then he will be considered eligible to take the examination.

6. Examinations are conducted twice a year—on the second Tuesday in February and July of each year. Applications may be filed at any time. Those filed from December 1 to April 30, both inclusive, will be considered for the July examination. Applications filed from December 1, 1954, to April 30, 1955, both inclusive, will be considered for the July 1955 examination unless applicant makes a timely request for postponement of his first examination to a future date for the purpose of permitting him to complete his preparation. Applications filed from May 1 to November 30, both inclusive, will be considered for the February examination. Within the meaning of this notice, applications will not be considered as filed until they are complete in all respects and ready for processing.

7. Examinations will be conducted in selected cities where offices of the Bureau of Motor Carriers are located. Notice of the time and place to appear for examination will be mailed to qualifying applicants approximately thirty days prior to the date of the examination at which they will be expected to appear. An applicant who, without good cause shown to the Commission, fails to appear for examination when notified, is considered to have abandoned his application but without prejudice to his filing a new application.

8. Applicants who are unsuccessful in three attempts to pass the examination will be expected to withdraw their applications.

9. If the applicant so desires, an application filed from December 1, 1954 to April 30, 1955, both inclusive, will be continued in force and considered as active (and not subject to the Qualification Standard) until (a) the applicant is admitted to practice, or (b) until he

has failed the examination three times, or (c) until February 28, 1957, whichever event occurs first.

10. Applications once disposed of, with filing fee refunded, will not be reinstated at any time for the purpose of avoiding the provisions of the Qualification Standard.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1047; Filed, Feb. 3, 1955; 11:00 a. m.]

[4th Sec. Application 30194]

KANSAS CITY SOUTHERN RAILWAY MOTOR-RAIL RATES

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Motor Carriers Rate Conference, Agent, for and on behalf of the Kansas City Southern Railway Company, Louisiana & Arkansas Railway Company and motor carriers parties to its tariff MF–I. C. C. No. 755.

Involving: Class and commodity rates.

Territory: Between points in Kansas and Missouri, on the Kansas City Southern Railway on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1035; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30195]

BITUMINOUS FINE COAL FROM INDIANA TO CHICAGO HEIGHTS, ILL.

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Indianapolis and Louisville Railway Company

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Indiana.

To: Chicago Heights, Ill.

Grounds for relief: Competition with rail carriers, market competition, and circuity

Schedules filed containing proposed rates: Chicago, Indianapolis and Louisville Railway Company, I. C. C. No. 4798, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1036; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30196]

ASPHALT BETWEEN MISSISSIPPI, ALABAMA, AND LOUISIANA

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr. Agent, for carriers parties to schedule listed below.

Commodities involved: Asphalt (asphaltum) carloads and tank-car loads.

From: Mobile, Blakely Tuscaloosa and Holt, Ala., Crupp and Rogerslacy Miss., and points in the Baton Rouge-New Orleans, La., group.

To: Points in Mississippi, Alabama and Louisiana.

Grounds for relief: Competition with rail and motor carriers, and circuity.

Schedules filed containing proposed rates: W P Emerson, Jr., Agent, I. C. C. No. 424, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F. R. Doc. 55–1037; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30197]

SCRAP IRON AND STEEL FROM ST. LOUIS, MO., AND EAST ST. LOUIS, ILL., TO KEOKUK, IOWA

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Wabash Railroad Company.

Commodities involved. Scrap iron and steel, carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Keokuk, Iowa.

Grounds for relief: Competition with rail carriers and circuity

Schedules filed containing proposed rates: Wabash Railroad Company, I. C. C. 7607, supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1038; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30198]

FOREIGN WOODS FROM CARTERET, N. J., TO PICKENS, S. C.

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W Boin, Agent, for carriers parties to schedule listed below

Commodities involved. Lumber, logs and flitches, of foreign woods, built-up woods, and veneer, carloads.

From. Carteret, N. J.

To: Pickens, S. C.

Grounds for relief: Competiton with rail carriers, circuity, and additional destination.

Schedules filed containing proposed rates: C. W Boin, Agent, I. C. C. No. A–968, supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1039; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30199]

BITUMINOUS FINE COAL FROM ILLINOIS, INDIANA AND WESTERN KENTUCKY TO CARROLL, IOWA

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedules indicated below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois, Indiana, and western Kentucky.

To: Carroll, Iowa.

Grounds for relief: Market competition and competition with natural gas.

Schedules filed containing proposed rates: Atchison, Topeka and Santa Fe Railway Company's I. C. C. No. 14708, supp. 20, and other schedules listed in exhibit 1 of application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1040; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30201]

IRON AND STEEL ARTICLES BETWEEN ATLANTIC SEABOARD TERRITORY AND SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by Seatrain Lines, Inc., for itself and on behalf of carriers parties to schedule listed below.

Commodities involved. Iron and steel articles, carloads.

Between. Atlantic seaboard territory and southern territory, over routes partly by water and partly by rail.

Grounds for relief. Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: Seatrain Lines, Inc., I. C. C. No. 106, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1042; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30200]

ASPHALT FILLER FROM PENNSYLVANIA, MARYLAND, NEW YORK, AND VERMONT TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W Boin, Agent, for carriers parties to schedule listed below.

Commodities involved. Asphalt filler, carloads.

From. Specified points in Pennsylvania, Maryland, New York, and Vermont.

To: Port Wentworth, Ga., Memphis, Tenn., Morehead City N. C., and specified points in Florida and Alabama.

Grounds for relief: Competition with rail carriers, circuity and to maintain grouping.

Schedules filed containing proposed rates: C. W Boin, Agent, I. C. C. No. A–968, supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1041; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30202]

CARBON REFRACTORY MATERIALS FROM ILLINOIS TO VARIOUS STATES

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Fire brick, fire brick shapes and carbon refractory materials, carloads.

From: Points in Illinois.

To: Points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: W J. Prueter, Agent, I. C. C. No. A–3718, supp. 65 W J. Prueter, Agent, I. C. C. No. A–3723, supp. 105.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by

the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-1043; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30203]

MERCHANDISE IN MIXED CARLOADS FROM MEMPHIS, TENN., TO MASSACHUSETTS AND RHODE ISLAND

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1458, pursuant to fourth-section order No. 17220.

Commodities involved: Merchandise, in mixed carloads.

From. Memphis, Tenn.

To: Chicopee, Chicopee Falls, South Springfield, Mass., and Darlington, R. I.

Grounds for relief. Competition with rail carriers, operation through higher-rated territory and circuity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-1044; Filed, Feb. 3, 1955; 8:50 a. m.]

[4th Sec. Application 30204]

VARIOUS COMMODITIES FROM TRUNK-LINE AND NEW ENGLAND TERRITORIES AND NEW BRUNSWICK, CANADA, TO OFFICIAL, WESTERN TRUNK-LINE AND SOUTHERN TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W Boin and C. R. Goldrich, Agents, for carriers parties to schedules shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities.

From. Points in trunk-line and New England territories, also New Brunswick, Canada.

To: Points in official, western trunk-line, and southern territories.

Grounds for relief: Competition with rail carriers and circuity

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-1045; Filed, Feb. 3, 1955; 8:50 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order No. 44, Amdt. 4]

TEXAS, OKLAHOMA AND EASTERN RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 44 and good cause appearing therefor:

It is ordered, That: Taylor's I. C. C. Order No. 44 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., March 15, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., January 31, 1955, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., January 31, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F R. Doc. 55-1046; Filed, Feb. 3, 1955; 8:50 a. m.]